

Lynn Tone

From: Jamie Rea <jamietrea@yahoo.com>
Sent: Monday, February 13, 2023 1:08 PM
To: Public Comments
Subject: EXTERNAL: 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.]

Tillamook Board of County Commissioners & STR Advisory Committee,

I am very concerned about the sudden change to repeal ordinance #84, and completely revamp it for several reasons:

1) The ordinance that makes permit holders, after 5 renewals, be subjected to the applicable subarea cap, vague, unclear, and unfair. We bought our property knowing what the rules were up front. Renting of our house reduces "some" of the financial burden of owning a vacation home. Planning financially for being able to rent it out is a factor. Not knowing if 5 years from now, you make it or not, is hard for planning purposes. We have been renting our house out for over 5 years, and several people come back year after year. They too find a place they enjoy, and want that certainty. Previous "permit" holders should be grandfathered in, and not be subjected to any renewal caps.

2) The ordinance which dictates a 250 foot density limit, is unclear and vague. In our neighborhood, we have 3 STR's that I know about, and our homes are close together. How is it all sorted out? Who gets to continue with renting, and who doesn't? Most of the homes in Oregon are very close together, with small lot sizes. I would think having the homes closer together preferable, rather than spread them apart. Why the restriction???? Is it noise? We own several "multi-plex properties, and sometimes "noise" is an issue. We encourage our tenants to talk to one another and let the neighbor know if there is a problem. Knowing what the problem is, they correct it!

3) How realistic is it to have our management company to have to call the STR line within 20 minutes, and then be at our property within 30 minutes. I don't think the local police department have that great of turn around time! 60 minutes is the "norm" around the country! How many complaints have there been, who's making the complaint, and what for? Usually, it's the same people that complain.

Thank you for considering some of my issues.

Regards,
Jamie Rea (K & J Properties - I'm the "J")

Lynn Tone

From: Nicole Twigg <nicoletwigg22@gmail.com>
Sent: Monday, February 13, 2023 12:51 PM
To: Alan Coppola
Cc: Cindy Bernert-Coppola; Public Comments
Subject: EXTERNAL: Re: 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.]

Thank you for your input!

On Mon, Feb 13, 2023 at 3:14 PM Alan Coppola <ajicoppola@gmail.com> wrote:
Tillamook Board of County Commissioners & STR Advisory Committee,

Alan Coppola and Cindy Bernert-Coppola here.
We own a house at [6000 Centerpointe Loop, Pacific City, OR 97135](#)

Our comments about the current STR proposal as of February 13, 2023 are the following:

1. While not against STR caps in general, we recommend that they start from the current percentage for the relevant area they are in and put an upward cap (e.g. 20% more than what is already there). Caps should apply to all land used for housing equally and include RV parks, camping parks, hotels, motels, and all housing not having an STR permit.
2. While not against a response time to complaints, an unreasonably short response time like 20 minutes is not going to be fruitful. Perhaps take an average of the non-emergency times already available in the county. I suspect even a reported fire or violent crime report will not have a response within that short of a time.
3. Any maximum occupancy calculation should be applied evenly to all properties in the county. We use a property management company (Kiwanda Coastal), and all advertisements and our permit clearly state what the maximum occupancy is.
4. We own a single home in Pacific City and have used it as an STR for a year. While we have a reasonable mortgage, it is clear that we will never make an operating 'profit' from this endeavor. If our permit for an STR is ever revoked, based on new regulations, we'll need to consider that as a Land Use breach of contract and take appropriate action.

Thanks for your consideration and work on these issues.
We do love the area and people, and so look forward to living there in the next number of years.

Respectfully,
Alan Coppola and Cindy Bernert-Coppola

--
Nicole Twigg (mobile)
503-816-9516
nicoletwigg22@gmail.com

Lynn Tone

From: Jessica Schaffer <jessica@nervoussystemreset.com>
Sent: Monday, February 13, 2023 3:56 PM
To: Public Comments
Subject: EXTERNAL: STR revisions

[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 County Commissioners and STR Advisory Committee,

I live outside of Manzanita and am writing to let you know I *vigorously* support the STR draft revisions. This could be a game changer for full-time residents like myself.

I am heartened by your efforts to restore balance in residential neighborhoods like ours by putting in STR caps and density limits. I'm also relieved you've recommended a maximum limit on occupancy and parking.

I know we have more work to do - issues such as lack of enforcement, resource concerns (specifically, water) and emergency preparedness are on-going concerns - but your work reflects a real investment in community livability. And for that, I am deeply appreciative!

Thank you,

Jessica

Jessica Schaffer
Nervous System Health Educator
pronouns: she/her (*why this matters*)
www.NervousSystemRESET.com
503-348-6288

Lynn Tone

From: Public Comments
Sent: Thursday, February 16, 2023 3:39 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR (Short Term Rentals)

From: Ron Shippers <ronshippers@gmail.com>
Sent: Thursday, February 16, 2023 9:19 AM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STR (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.]

Dear Tillamook County officials,

I am writing to express my support for increased short-term rentals in your coastal community. Short-term rentals have the potential to make a significant positive contribution to the local economy and enhance the experience of visitors to your beautiful area.

By opening up more properties to short-term rentals, you will not only be providing more lodging options for tourists, but also creating opportunities for homeowners to generate income by renting out their properties. This extra income can help them to invest in their homes and businesses, which in turn can benefit the local economy.

Moreover, short-term rentals can attract visitors who may not have otherwise considered a trip to Tillamook County. This can bring in more revenue for local businesses and attractions, leading to increased job opportunities and overall economic growth.

I understand that there may be concerns about the impact of short-term rentals on the community, but with appropriate regulations and enforcement, the benefits of increased tourism and economic growth can be achieved.

Ron Shippers - Beach Home Maintenance

Cannon Beach, OR

Lynn Tone

From: Public Comments
Sent: Thursday, February 16, 2023 3:39 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR proposed actions

From: Andrew Barker <abarker62@gmail.com>
Sent: Thursday, February 16, 2023 9:53 AM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STR proposed actions

[**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 am a resident of unincorporated Tillamook County, in the Urban Growth Boundary of Manzanita. I have been impressed by the work of the Tillamook County Short Term Rental Advisory Committee over the past year. You have followed a high quality process that will result in practical solutions to problems created by increase in STRs in our communities.

I strongly support the short-term actions currently under proposal, and I urge you to pursue the long-term actions discussed by the Committee, including on-going monitoring of STRs, and regulation of occupancy and parking.

*Andy Barker
PO Box 1373
Manzanita, OR 97130*

Lynn Tone

From: Public Comments
Sent: Thursday, February 16, 2023 8:11 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Fwd: 5510 Wee Willie Lane, Netarts - 2S1017A000400

From: Lindsey Boccia <lindsey.boccia@gmail.com>
Sent: Wednesday, February 15, 2023 8:20 PM
To: Sarah Absher <sabsher@co.tillamook.or.us>; Public Comments <Publiccomments@co.tillamook.or.us>
Subject: Re: EXTERNAL: Fwd: 5510 Wee Willie Lane, Netarts - 2S1017A000400

Hello Sarah and Public Comment inbox for the STR committee.

My comments below so far have not been included on the public comment PDFs that have been distributed.

I'm feeling very upset right now, as my family has been incredibly financially impacted directly by this committee and our specific voice is not being heard. Prior to the halt on short term rentals, my family spent an entire year and \$34k out of pocket for things the county needed us to do prior to building (\$6k on Geohazard, \$5k on home design, \$5k on land clearing, \$8k on land clearing, \$10k on county permit cost to finally getting the permit approved) all for a home that is now too expensive to build and that we have no short term rental option to help fund as planned.

Our permit is sitting on your desk and has since expired while all of this unfolds.

My family had a dream to build a cabin, but modern families cannot afford second homes without renting them. It really must be nice for the generation that was able to purchase houses at the beach for a fraction of their income during a time when both parents didn't have to work to afford their regular mortgage and child care.

Real people that own single-family homes should be able to rent them. Giant companies and corporations that own multiple homes should probably be the first ones to get cut. During the pandemic companies bought up the housing stock which drives our prices and hurts regular families even more affordability wise.

Personally we've had no choice but to go seek alternative Cabin styles that are no greater than 500 square feet to even consider affording it at the insane \$500 per square foot prices that multiple builders in the area give. We will need a no cost adjustment to our permit given the impact this has already had on us.

Please just make a decision and end this soon. If the new policy is too restrictive it will create a loss in property value if we are forced to sell because of it.

Lindsey Boccia
Netarts Bay, Whiskey Creek

Commissioner Skaar, Director Absher and Members of the STR Advisory Committee

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.

For years a number of these homes were periodically rented, causing little concern or impact on livability and public safety. 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. Amazingly, many of these older single family homes have been permitted for double digit STR occupancies, even up to 20 occupants.

Rental companies highlight and promote these high occupancy STR's which become frequent large gathering places for group seminars, retreats, reunions, weddings, funerals and more. Both safety and livability are threatened when 20 STR's with a total combined advertised occupancy of 190 people are solely accessed by Treasure Rocks Rd, a short, narrow, broken pavement dead end street without sidewalks.

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

1. Establish a **CAP ON # OF STR CERTIFICATES** in Neahkahnie and a means to manage STR concentration. We have too many STRs for a neighborhood designed for single family residential living. Our livability is plummeting and our infrastructure is overwhelmed. The cap needs to be lowered from today's numbers. We support the 5 year phase out of pre-existing STRs to level the field for others to apply for a certificate in the future.
2. Establish **MAXIMUM OCCUPANCY LIMITS** on all STRs to be compatible with a single family residential community. Single family homes are rarely designed for as many as 8 people. The draft ordinance will allow up to 16 in some homes which is too high. How many of you live next to a house that has 16 people turning over every weekend or few days? Children under the age of 5 is more appropriate to be considered additions to the occupancy limits.
3. Provide **ADEQUATE FUNDING AND ENFORCEMENT TOOLS** enabling the county to do its job. STR fees need to be set at a level that funds county staff enforcement personnel and tools.

4. 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. Just last weekend an STR across the street housed a wedding party that parked 8 cars plus a chair rental truck in the street. We support the draft garbage and noise standards as well.
5. Establish **CONTACT AND POSTING REQUIREMENTS**. We support having clearly posted information that can be read from the street. We also endorse all complaints going to the county hotline so the staff is aware of problems and can keep statistics to inform the commissioners and the public about issues.

Residential livability can be preserved with STR's 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 rampant STR speculation and livability will be irreparably harmed.

Thank you for considering our comments.

Sincerely,

Mike Woodin and Amy Bell
37635 Beulah Reed Rd.

Lynn Tone

From: Public Comments
Sent: Monday, March 6, 2023 1:28 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Support for STRs

From: Bill Ruecker <billr@baysingerpartners.com>
Sent: Monday, March 6, 2023 10:44 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,

In regards to revisions to code section 8 please reconsider your code revisions as they will not solve any problems and will cause significant property devaluation and economic loss with resultant, decreased tax revenue.

The county and STR properties will see the most loss but everyone will feel the pain as the primary driver of the Tillamook County economy is now tourism, especially around Pacific City.

If low income housing is important then work on simplified permitting and financial incentives to build these types of housing. But low income workers will need better jobs to afford most STR rental homes if they were to become regular rentals. So there is virtually no cross over between LTR and STR. Build low income housing to create more low income housing, don't think that STR restrictions will solve that problem in any way as no data supports that idea.

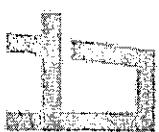
Jobs for low income folks will be destroyed by this ordinance revisions as many contractors, gardeners and house cleaners will lose their jobs if STR rentals are restricted as proposed.

If parking on public streets, noise or other behaviors are issues then enforce existing ordinances. Although as a long time enjoyer of Tillamook County and of Pacific City I have observed, little to none of these problems.

If revenue is an issue, increase fees and licenses but don't kill the goose that lays the golden egg and drives the economic engine that has revived Tillamook County and Pacific City.

STOP the 8 revisions. They are not well thought out and will have severe unintended consequences.

Thank you.



Baysinger.

William M. Ruecker | AIA, Principal
billr@baysingerpartners.com
(P) 503.546.1614 | (C) 503.349.2633
2410 N. Lombard Street, Portland, OR 97217
www.baysingerpartners.com

Lynn Tone

From: Public Comments
Sent: Monday, March 6, 2023 1:28 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Comment submission regarding proposed short-term rental changes

From: Lauren Howe <lhowe2001@gmail.com>
Sent: Sunday, March 5, 2023 9:55 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Comment submission regarding proposed short-term rental changes

[**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 Tillamook Board of County Commissioners & STR Advisory Committee,

It has come to my attention that a proposal to drastically reduce the number of short-term rentals (STRs) in unincorporated Tillamook County could result in some properties no longer being eligible for STR permits. I am reaching out to provide public comment on this matter.

My family lives in Portland and enjoys visiting destinations along the Oregon coast but most notably in Tillamook County. Some of our favorite spots to stay and build family memories are in Neskowin and Pacific City. The STR options are part of what makes this area so attractive to our family. The beautiful homes offer more private and comfortable accommodations than a hotel provides, and the attentive property owners offer a more personal and inviting experience. This all incentivizes us to frequent the area and visit some of our favorite shops and restaurants like Pelican Brewery, The Hawk Creek Cafe and Village Scoop, Tillamook Creamery, among many others.

I believe restricting STRs in Tillamook County would negatively impact the local economy. There would be a noticeable drop in visitors to the area and thus patrons to all the local businesses and attractions. Fewer visitors might be a welcome sight for some full-time local residents, but for others, it could mean the loss of their livelihood. All Tillamook County property owners -- full-time or not -- should be considered valued members of the community. Each one deserves to have their voice heard and needs taken into account. I believe your committee can find a balanced solution that allows STR properties to continue serving as the important part of the Tillamook County economic engine. It would enable families like mine to continue frequenting this area for many years to come.

Thank you for your time and consideration.

Sincerely,
Lauren Howe
Portland, OR Resident

Lynn Tone

From: Public Comments
Sent: Monday, March 6, 2023 1:28 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Support for STRs in Tillamook County

From: Dave Benz <dave.r.benz@gmail.com>
Sent: Sunday, March 5, 2023 7:57 PM
To: STRs Owners - Unincorporated Tillamook County <hello@neighborsforneskowin.org>; Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Support for STRs 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.]

March 5, 2023

I am David Benz with my wife Jean we own Barefeet Trytrat LLC in Neahkanie OR. Our house is managed by Vacasa previously for 4 years by Sun Set Vacation Rentals.

I just left 10 days renting with our family in Sunriver OR. I asked the GM of HOA Sunriver Properties and separately Sunriver Real Estate and Property Management And separately Sunriver Vacasa about STR provisions for 1800 homeowners in Sunriver. Sunriver like Bend is in Deshutes County. No permits except tax permits to Deschutes are required for Sunriver Owners to rent as STR. None of the STR provisions instituted in Bend just 12 miles North apply to Sunriver and Sunriver is unincorporated just like Neahkanie.

It was explained to me that 250' distance between STR permitted homes apply in Bend. It was also explained that the reason Bend instituted the STR provisions/restrictions was to allow more homes for rent by low income workers. It should be noted that Bend had a very diversified home market to rent, and most lower income workers at Amazon, grocery and retail stores live on the outskirts of Bend where older or smaller homes rent.

What is very apparent and the difference between Bend and Neahkanie. Is that land property values alone even without home values being considered, are much higher than inland based property. What is not true that Tillamook County seems to be trying to prove is that the need for workers to rent is necessary in unincorporated Neahkanie, however rentals in Neahkanie with or without STR provisions would not rent for less than \$2000.00 per month, more than most any worker could afford, for the reason that Ocean based homes in Neahkanie are value higher than inland homes, and demand higher rental costs.

Noise, disruption and parking on the beach are NOT legitimate reasons to institute STR restrictions. These suspected problems don't exist, in our experience. On Ocean Road by the public walkway in Neahkanie a home rents with 5 bedrooms enabling 10 or more to rent. My wife and I walk within 20 feet of this house when we walk to the beach, and although 5 cars are in the driveway not one time do these renters park off the driveway. We hear no loud music or disruption from this house ever.

Tillamook County is not allowing enough time for public Comments to state what I am

Saying and others. I hav written three times to Sarah Abisher asking for a personal answer as to if the 250' requirement is instituted between homes. Who and how is it determined between me and my neighbor Steve , 60' from My house, determines which of us will obtain a Renewed STR permit? Of the four homes on our street, no one is a full time owner, and only two of us have a STR permit. Neither of us has received any complaint of any kind, we both have routine weekly garbage pick Up, and our renters are screened. In our case we have a guest book showing some renters have rented our home 5 times. The people we rent to are responsible adults, and we have had no theft or damage.

Why Tillamook is really trying to implement STR restrictions is meaningless!
We are retired, on fixed income and the rental income is paying our operation and mortgage Costs. Our reason for an LLC os only for protecting us in the case of physical injury to someone staying in our home, no other reason and not for tax purposes. We are not a corporation as some full time owners suggest.

David Benz
Dave.r.benz@gmail.com
253 514 5244

Lynn Tone

From: Public Comments
Sent: Monday, March 6, 2023 1:27 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Support for STRs

From: Nick Argenti <netartssandcastle@gmail.com>
Sent: Sunday, March 5, 2023 7:35 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.]

Dear Tillamook County Commissioners and STR Advisory Committee,

We hope you and your families are doing well. We wanted to provide some inputs for the public comments for the upcoming Public STR Meeting to include who we are and thoughts about the opportunity we all have to make Tillamook and the surrounding area an even better place to call home and further enable benefits enabled by STR's/tourism.

Who we are: We are a solar/sustainability engineer and a nurse/nursing educator/department chair who have dedicated their careers to helping people, creating innovations that help the world and share our vacation rental with guests that further enhances the community and make the Tillamook area an even better place for everyone to enjoy! We are caring individuals who own, use/enjoy and rent our properties. We are not commercial real estate people but individuals who are a part of the community and give back to the community. We take great care in making our vacation property a place for travelers to create memories that will last a lifetime. We also have strict rules in place so travelers do not negatively impact the community but truly bring an abundance of benefits to the community, such as the local/state revenue through lodging taxes/fees, supporting a variety of local businesses such as restaurants, stores, gas stations and so many more resulting in the employment and financial benefits to these businesses, cleaners, maintenance personnel, contractors/builders, Tillamook County employees and so much more which in turn enhances the community. Imagine a scenario with no tourism or substantially reduced tourism and what Tillamook's tax revenue would be and how it would negatively impact the spectrum of local jobs, the economic impact on the community and local residents.

We were in Pacific Restaurant a few weeks ago and asked them why they weren't open during the weekend and they said they didn't have enough business to support it but they were looking at staying open during the weekend during the more popular summer tourism time frame. This is an incredible restaurant/venue and just this one example shows how important tourism and STRs are in

directly contributing to the local jobs, the local supply chain, businesses and the community. How many more businesses experience this as well, which is why we believe the county should actually be proactive in helping STRs to have even greater occupancy, which directly helps the community.

- Similar to what other STR owners have shared, we are in favor of enhanced enforcement, permit transferability and no arbitrary limits. Also, being able to transfer the STR permit should not be restricted in any way as it is tied to land use rights. In addition there should be no limit on the number of nights rented, no proximity/distance limits and no change in occupancy limits. Additionally, while noise, parking and other rules for STR certainly make sense, it also seems to make sense that everyone within the community should comply with similar rules and be held accountable. After all, we want everyone to be able to peaceably and safely enjoy where they are staying, whether they are a resident or visitor. With this in mind, it seems like equitable rules need to be applied.
- For our STR, we hire local (not commercial out of area) people to do maintenance, cleaning, landscaping, a variety of subs and contractors for electrical/plumbing/HVAC, appliances, furniture and so much more. Hiring local individuals is instrumental in benefiting their families and directly enhances the community.
- We ensure guests do not negatively impact the area, comply with local ordinances and in fact they enhance the community with their presence, bringing a variety of cultures, supporting local businesses and tax revenue and are a joy to be with! What we do to ensure no negative impact to nearby neighbors and the community:
 - o We have clearly defined rental agreements that ensure guests know and comply with the rules
 - o We post clear rules within the house
 - o We send an email and communicate with the guests just prior to check-in to ensure compliance
 - o We also are able to monitor the number of vehicles parked at the property
 - o We also have a security deposit that also reinforces following the rules, including if the guests were to disturb neighbors or have more than the allowed number of vehicles
 - o We are available if there's ever a situation where we need to contact the guest
- Instead of deterring or limiting STRs, it is our belief that Tillamook County should take on an even more supportive role for STR's and see how they can help out the property owners with advertising and coming up with creative ways to enable even higher occupancy rates as this directly feeds back into Tillamook's economy/revenue stream and positively impacts the community. This is already happening to an extent but we believe there are even more ways where we can collaboratively work together to further enhance this vital asset for Tillamook's growth and community improvements,

ultimately benefiting everyone who lives full time or visits the area. This is also consistent with what Tillamook published in <https://tillamookcoast.com/wp-content/uploads/2016/03/Tillamook-County-Tourism-2025-Plan-Sept-2014-1.pdf> stating "Tourism has the potential to further diversify the Tillamook County economy and provide important benefits for residents, businesses and visitors. It aims to establish a high quality visitor economy that results in maximum benefits to residents, the environment and visitors. Tourism 2025 draws on months of consultation with hundreds of residents, partners and stakeholders."

On a closing note, if you drive or walk through downtown Tillamook today, you can visually see how many vacant/distressed buildings/businesses there are, how long they have been on the market/vacant and that we have a long way to go to get our community and downtown where it needs to be. We have the basic building blocks and are making progress but we need to encourage and support STR's to help enable a community where businesses and local residents can thrive. Remember, we are all a team with the same mission to make our community and world an even better place!

We sincerely appreciate all you and the team do and look forward to making Tillamook and surrounding areas an even better place to call home and for everyone to enjoy!

Nick & Lynn

Lynn Tone

From: Public Comments
Sent: Monday, March 6, 2023 1:27 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Support for STRs in Tillamook County

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

From: Lynn Guitteau <lynnfg81@gmail.com>
Sent: Sunday, March 5, 2023 3:14 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Support for STRs 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.]

My family has owned a small cabin in Oceanside for over 50 years. It is very much a family cabin, but to help pay ever rising utility and other bills we have had an STR since Tillamook started issuing them. I am fine with the county addressing issues for short term rentals and I think a lot of them are fine and make a lot of sense. Since our cabin was built in the 1940's as a family vacation cabin we will have a hard time meeting a few of the new proposed requirements since some of the new building codes were not in place when ours was built.

The following are the proposed requirement that do not make sense to me especially for cabins that have been around for a long time.

1. Our cabin has 2 small bedrooms, one without a built in closet. I don't understand the closet requirement. We provide hooks and a dresser for clothes. That should be sufficient. All of our quests and our family have done fine without a closet in that little bedroom for over 50 years.
2. Since our cabin was built in the 1940's it is one of the oldest in Oceanside. We have a small gravel off street parking area that has comfortably fit 2 cars off street for over 50 years. I supply instructions to all my guest on how to park in the provided area. If we were to have to comply to the 8'x 20' parking space measurement for each car I'm sure we would not qualify. However, 2 cars do fit comfortably in that space without jutting into the road.
3. I do not understand the written language in the proposed requirements that states that if you have 1 parking space you can rent to a family with 2 adults and 2 children under the age of 12. Why 12?. If you are worried that a child would possibly bring another car and then a rental would need 2 parking spaces to rent to that family why not make the cut off age at least legal driving age. What you are saying is that if a family wants to rent a cabin and they have 2 adults and 1 child under 12 and 1 over 12 then the cabin must have 2 parking spaces to be able to rent to them?

Thank you for considering my observations for your revisions to the draft proposal to STR regulations.
Lynn Guitteau

Lynn Tone

From: Public Comments
Sent: Monday, March 6, 2023 1:27 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Support for STRs in Tillamook County

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

From: Lisa Briand <lbriand@gmail.com>
Sent: Sunday, March 5, 2023 10:02 AM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Support for STRs 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.]

We want to express our concern for the STR regulations under review. So many families like ours have a second home they love on the coast. We rent ours out so others can enjoy the beautiful location and create lasting family memories just like we have and continue to do. We are all for making sure our guests are respectful and follow the rules, but from what we are reading, the rules seem to be heading in a direction that is completely inequitable. Our guests should follow the same rules as everyone else whether they be long term renters, residents or short term renters.

Quiet after a given time, no loud music outside. Parking appropriate for the home. Garbage pickup as often as needed (we always pay for twice week pickup in the busy season). We agree that if our guests are not in compliance, they should be asked to comply or leave.

Our home in Netarts is in a quiet neighborhood. It has been a STR for many years, and a lot of our guests return year after year. They are authors looking for a quiet place to write their next novel, artists, fishermen, and families with children. Ours is not a party house. We pay our taxes and happily pay our annual fees. We have professional management with a local team (Vacasa) that can act if needed. We live in Camas and visit as often as we can.

We understand that full time residents are the voters in Tillamook, but we all contribute to the economy and lifestyle. So many businesses would suffer if STRs were eliminated or regulated out of existence. Real estate values will go down, housekeepers and maintenance staffs out of work, stores like Rosenbergs and Roby's severely effected. Restaurants like The Schooner and their staffs could be in financial trouble.

We truly believe that with reasonable STR rules in place and the natural correction of local travel post COVID, we can maintain the cooperation between STR owners, guests, residents, and the community at large, allowing everyone to enjoy the Coast and its beauty.

Thank you for your consideration.

Lisa and Alain Briand
Sent from my iPad

Lynn Tone

From: Public Comments
Sent: Monday, March 6, 2023 1:27 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Support for STRs in Tillamook County

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

From: Melanie Rogers <Melanie@thinkdesignstudio.com>
Sent: Sunday, March 5, 2023 9:53 AM
To: Public Comments <publiccomments@co.tillamook.or.us>
Cc: Cassandra Cassily <kassandrleighc@gmail.com>
Subject: EXTERNAL: Support for STRs 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.]

As owners of a small unit in Neskowin Resort, we have been seeing our guests support the local economy on a near daily basis, as do we when vacationing in our beloved condo. As the building was originally purposed to be a motor lodge with short term stays, and many of the units finished out as hotel rooms with kitchenettes, (not really suitable for permanent housing), we feel it would go against the very nature of the development to disallow STR rentals. We have plenty of parking for the one or two cars that might be used per unit, ample bear proof trash bins, on site maintenance and 24/7 trouble assist response.

We pay property taxes, quarterly rental and annual fees all to the benefit of the community and county, which adds up to a significant amount, not to mention the cleaners and contractors we employ from the county.

It seems very unreasonable and unnecessary for the county to limit the STR use of this 50-60 year old resort to from operating as it was intended.

Sincerely,

Melanie Rogers and Cassandra Cassily, Owners

Neskowin Resort Unit 102

Lynn Tone

From: Public Comments
Sent: Monday, March 6, 2023 1:27 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Support for STRs in Tillamook County

From: Robert Hughes <robhgh5@aol.com>
Sent: Sunday, March 5, 2023 9:37 AM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Support for STRs 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 whom it may concern,

My wife and I purchased a small 300 square foot studio condo back in 2016 at Neskowin Resort. With these new rules and regs will would be forced to not rent our place in the near future. Our place is small but has a fairly good following and many return renters. These new rules will take a lot of money out of the community for tourism, and we would see the local businesses start to close. These rules would be a detriment to the community and it wouldn't take long for this backlash to effect everyone. Neskowin Resort, Proposal Rock Inn, and other rentals similar to those are not the real problem here. If nothing else, those types of rental properties should be exempt from Ordinance 84, we have our own, large, trash bins, large parking lots, and believe me, if a tenant is being loud, they will be and are addressed. It is also not right that the home owners in Tillamook county that do not rent out their homes are not subject to the trash, parking, and noise rules. The permits it is also requiring for parties larger than 6, I believe was the number, also seems ridiculous. Again, this is going to do more harm to the communities than the few bucks the county will get from the STR owners.

Respectfully,
Rob and Carrie Hughes
#203 Neskowin Resort

Lynn Tone

From: Public Comments
Sent: Monday, March 6, 2023 1:27 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Support for STRs in Tillamook County

From: Paul Cosgrove <pcosgrove@pscogrove.com>
Sent: Saturday, March 4, 2023 7:25 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Support for STRs 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.]

Our family purchased a home in the Neahkanie district in 2009, but we have been talking our children to the Manzanita area for at least 40 years, renting STR homes each summer.

When we retired in 2021, We knew we would need to use our home as an STR in order to earn the income necessary to maintain it and preserve it for our children and grandchildren. We finally received and STR permit in November 2021, and to the best of our knowledge, none of our neighbors have complained about any of our STR guests.

Allowing us to rent to others under the current STR ordinance provisions also allows us to continue to use the property for family vacations and getaways, which would not be possible if we rented the home full time.

Please do not adopt provisions that reduce occupancy limits applicable under the current ordinance, nor provisions that could cause us to forfeit the right to rent to guests even though we and they continue to abide by the current provisions and remain good neighbors.

Paul S. Cosgrove
Attorney
Cell - (503) 799-5679
Pcosgrove@pscogrove.com

Lynn Tone

From: Public Comments
Sent: Monday, March 6, 2023 1:26 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Re: Automatic reply: EXTERNAL: Presentation for Public Comment on ordinance 84 proposal
Attachments: Video_3796913_Scene_3.jpg; Video_3796913_Scene_1.jpg; Video_3796913_Scene_2.jpg; Video_3796913_Scene_8.jpg; Video_3796913_Scene_5.jpg; Video_3796913_Scene_4.jpg; Video_3796913_Scene_6.jpg; Video_3796913_Scene_7.jpg; Video_3796913_Scene_9.jpg

From: Catherine Lewis <catherine@orcoastrealty.com>
Sent: Friday, March 3, 2023 5:18 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Re: Automatic reply: EXTERNAL: Presentation for Public Comment on ordinance 84 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.]

Screenshots are attached if the previous video is unable to be shown.
Thank you.

Catherine Lewis | Broker
503.347.9690

Keller Williams Sunset Corridor - Coast Life | license #201211298

www.orcoastrealty.com | catherine@orcoastrealty.com

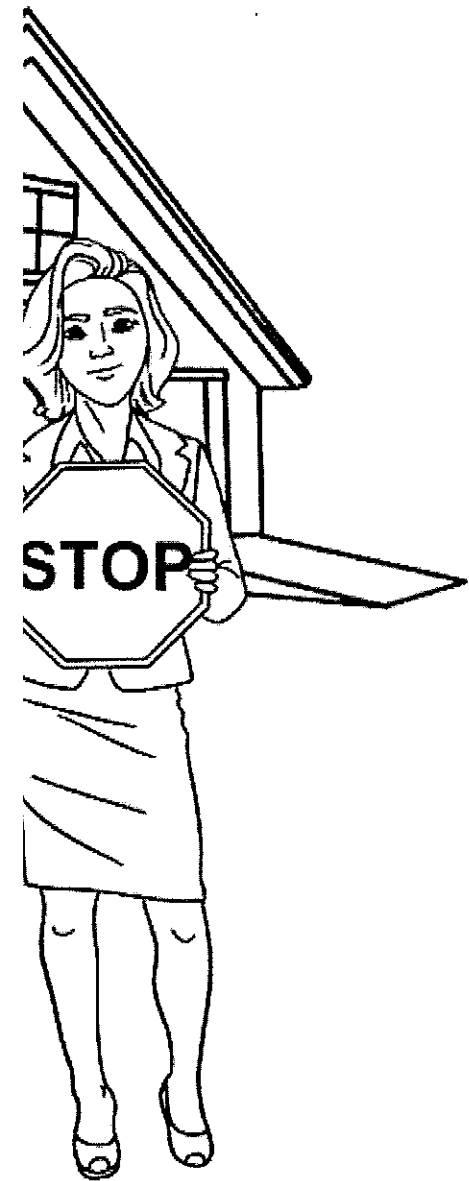
Catherine Lewis is a licensed Real Estate Broker in the State of Oregon.

Please follow the links to [Oregon Buyers & Sellers Advisories](#) and [Oregon Agency Disclosure Pamphlet](#). This information is provided in accordance with Oregon real estate law.

On Fri, Mar 3, 2023 at 5:05 PM Public Comments <publiccomments@co.tillamook.or.us> wrote:

Thank you for contacting the Tillamook County Board of Commissioners' Office. Your public comments will be shared with the Commissioners and become part of the permanent public meeting record.

lamook County imposed a "Pause" on new short-term rentals in the summer of 2022 in the unincorporated areas of our County.



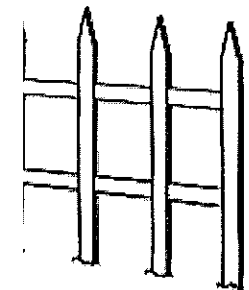
Historically low mortgage interest rates combined with the moratoriums that had just been imposed by neighboring counties (that have since met great challenge), created a brief window of intense frenzy as people snapped up these homes in our area.

Rather than allow those natural market correction forces to stabilize, the county leapt into this "pause". And even in communities without the pause (Rockaway) we have seen how those market forces have eased pressure, and the frenzy has passed with the increase in interest rates as we return to non-covid behavior patterns.



The proposed Ordinance 84 appears to be a significant overreach of government power and not seem justified based on the data and findings the STR committee has been studying over the few years. The main thing at stake here are property rights whether or not you fully support short-term rentals.

Should the government dictate what you can or cannot do with your property without following due process?

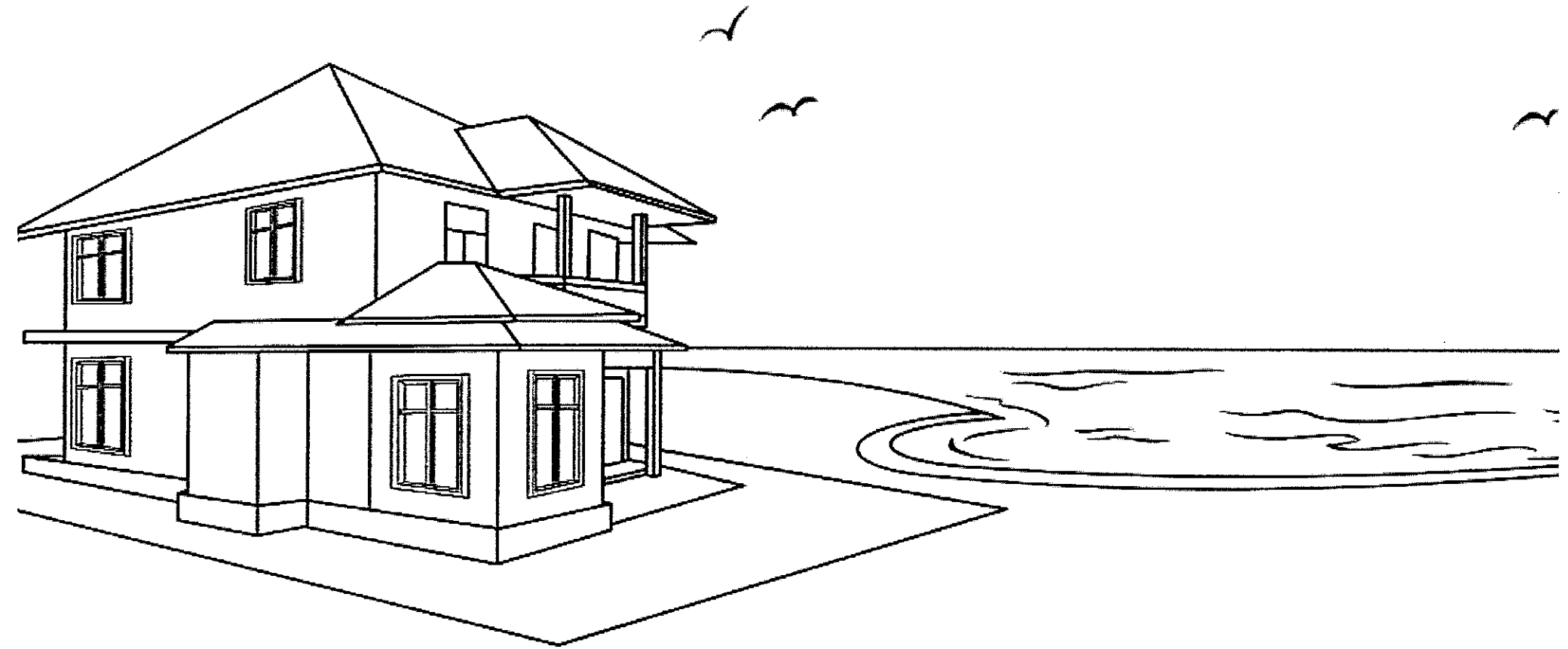




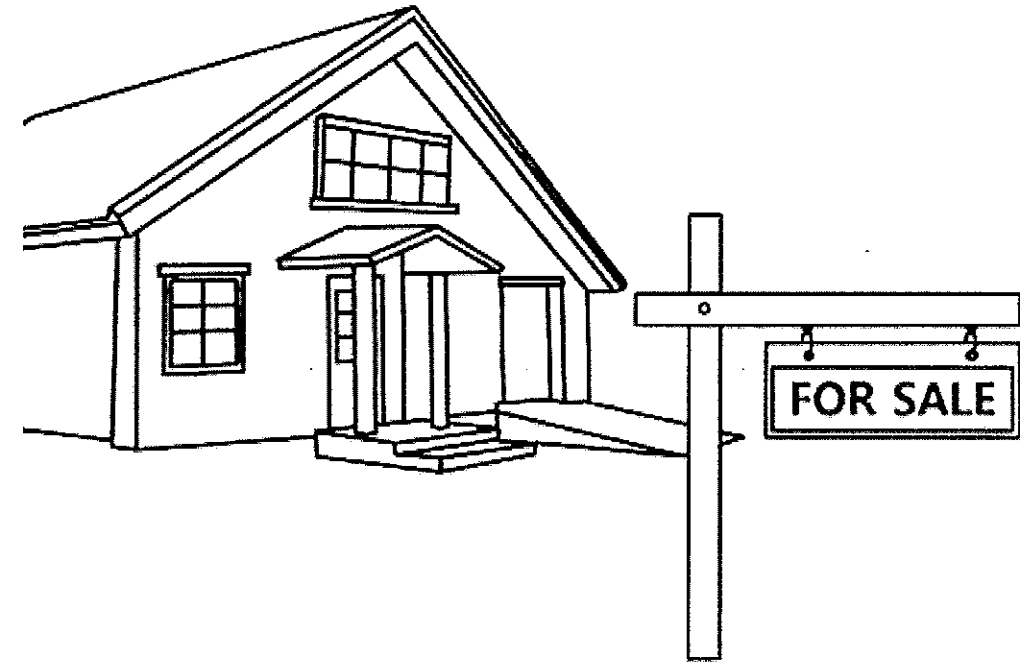
The County Commissioners will be making a decision on measure 84 soon. It seems the voices that are the loudest in the room right now are those of a group of residents who bought in high end neighborhoods where short term rentals have always been allowed and were when they made their decision to purchase there.



...s of the business owners, working hard craftsmen who are supported by the economy brought by these homes being occupied are not being heard because they are too busy working to attend to meetings that occur during work hours.

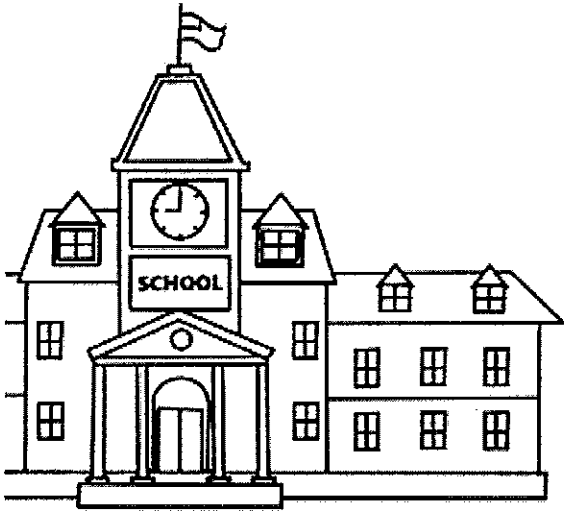


Most successful short term rentals are in close proximity to the water. Studies conducted by the county show that less than 12% of short term rentals are in homes that median income earners can afford.



Many have decided to invest in more landlord-friendly states.

Part-time landlords find it challenging to navigate with these changes and for many it is too cost prohibitive. Landlords are selling rental properties as the easy way out.



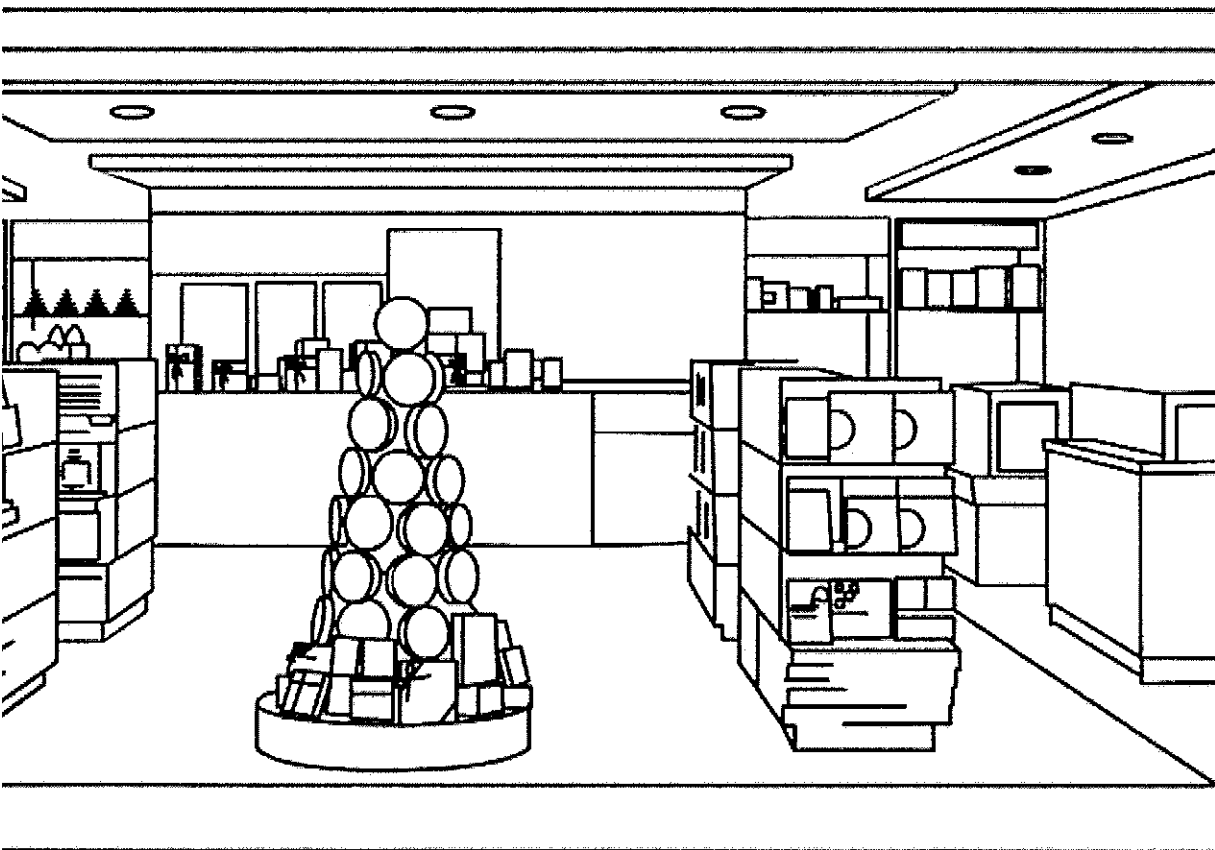
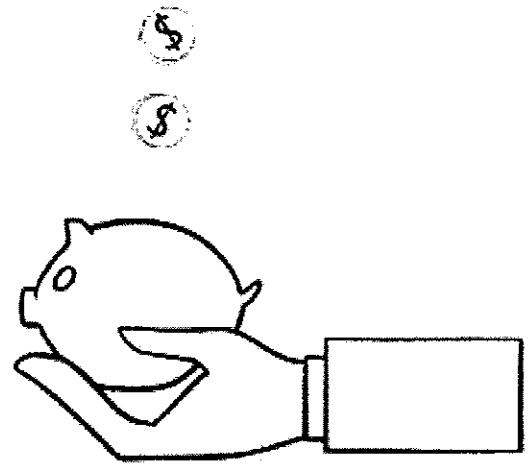
Although there has been a surge in short term rental purchases over the past three years, this is likely to level off as the world returns to a pre-COVID standard.

As people go back to work and children have returned to school, short term rentals will become less profitable. Consequently, people will sell these properties. This combined with rising interest rates, we will see a natural leveling in our market.



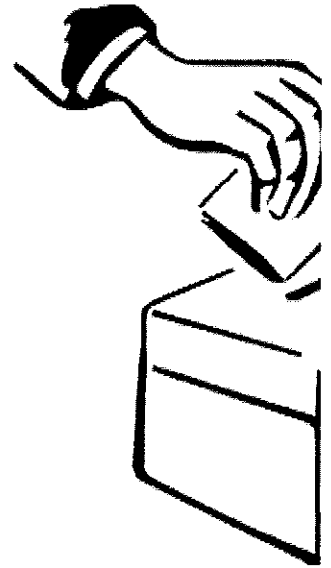
Keep in mind, the majority of homes in the short term rental market are not affordable for the local median income, and it is often out-of-state or out-of-area buyers who will buy them. Out-of-state or out-of-area buyers in wealthier pockets may purchase these homes as second homes, leaving them vacant for most of the year.

problem for the county, it means a loss
term rental tax revenue that the county
s on,



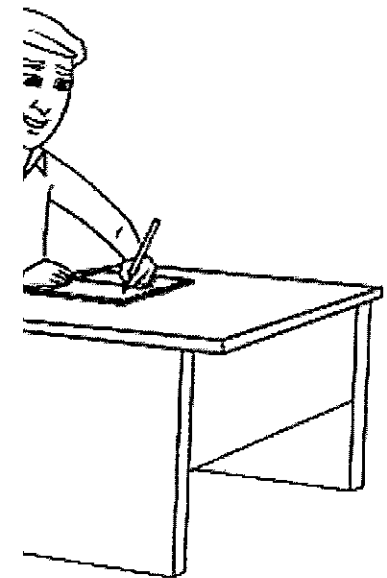
And will mean fewer pec
staying in the area and s
money with local busine
local businesses heavily i
tourists for a significant
percentage of their reve
we do not have the same
hotel/motel options as
neighboring communiti
bring in people.

you don't fully support STR's in general, this proposal is too far. This will trample over property owners rights, then our county to lawsuits which will then spend our tax on litigation.



changes that are being brought on very quickly to an issue which only arose due to a pandemic. These ordinance items that are based on a one-time pandemic, will impact our area for generations.

Make your voices heard. You are a
publiccomments@co.tillamook.or.



Lynn Tone

From: Randall Koch <randallkoch1@me.com>
Sent: Sunday, March 5, 2023 3:37 PM
To: Hillary Gibson
Cc: Cathy Benneth; Sarah Absher; Lynn Tone; Tom Prehoditch; Alex Sifford; admin@neskowincac.org; Roger Wicklund; Alexis Tate; Chris Silkowski; Tracey Hauth
Subject: EXTERNAL: Re: Officers report submission to Tillamook County update needed

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

On Feb 22, 2023, at 3:31 PM, Hillary Gibson <hillary.gibson@me.com> wrote:
NCAC Officers & County,

Dave - Thank you for providing an updated version of the analysis authored by the officers - it is a step closer to being accurate, but not quite there yet. I received many questions last week about the NCAC STR committee's role in the alternative analysis, and for that reason and as requested roughly no less than a dozen times prior to today by various committee members, I would like to again request that the report list the officers names as the **authors** - it is still not clear that the officers wrote the actual report, and I do not want it further confused with the committee's work.

Dave is responding with the officers as authors of the bifurcated report to the County.

Additionally, since 92% of the participants voted and the poll did not provide an 'abstain' option it is reasonable to deduce the following percentages from NCAC members present at recent meeting for vote:

52% aye
40% nay
8% abstain

I'd like to respond to Randall's assertion that the STR committee omitted a question in our survey results: "Our analysis was based on the only question the subcommittee decided not to use in the analysis." Please note that all questions were included in our analysis, and the question at hand is listed as #1 on the survey slides showing the data resulting from those responses for that question. The additional analysis was a choice of the officers, but it was not required. The data is welcome to be shared, we simply ask it be shared with the names of the authors (officers) for full transparency. This is different from saying "Prepared at the request of..." as it's still not clear who compiled the actual data for this analysis and it has been continually confused with our committee's work.

All data used was compiled by the STR Sub Committee. We are all working from the same data set. The STR Sub Committee noted the votes for and against in Question 1 in the slides, but did not use the data from Question 1 in their analysis for the Recommendations. The decision to omit Question 1 from the stated recommendations leaves an important element of the survey out and that is where the Officers felt data had not been used by the STR Sub Committee to better understand who voted for what. In leaving Question 1 out as an element to form the Recommendations, the clearer picture of who voted for what was obfuscated. Therefore the officers analysis is valuable for clarifying who and how the survey questions were voted upon, and the difference in the percentages for and against for each question is more evident.

I'd like to challenge the suggestion from Randall that if anyone has a concern they are welcome to bring it to him - I've heard from an increasing number of community members who do not feel comfortable approaching the NCAC due to their repeated pattern of dismissing concerns. I respectfully mentioned concerns at the most recent public meeting

which were referred to by the Chair as “nonsense” and “unsubstantiated” with instructions “to be disregarded” twice instead of simply noting the concerns or opening the topic for discussion. Randall’s last email also referred to Roger’s response requesting what was agreed upon at the meeting as not “legitimate” which is unacceptable from anyone in a position to facilitate communication.

As I said to Roger in my response to his inquiries, if the question of Conflict of Interest is something you or anyone would like to bring up, then making a request to put that on the Agenda is fine. If that is done, the Chair requests that a written explanation of the need for this agenda item be presented at that time, so it is clear what the substance of the request is. My objection to your mentioning of a concern about Conflict of Interest in the middle of a meeting, in the midst of a dialogue with someone else, about a different subject is that it was positioned to be a distraction and a “poisoning of the well” to question the integrity of the officers with a statement offering no substance and not regarding the subject of STR’s. The officers had already stated that they had no Conflict of Interest at the beginning of the meeting. Thus your statement slipped into a sentence about the subject at hand was in substance calling the officers liars. I can assure you that my fellow officers, two CPA’s and an attorney are very clear about the concept and law regarding Conflict of Interest. I read the bylaw in the meeting to clarify the statement of what the term means. So your less than respectful placement of that phrase aimed at seeding the audience with doubt of the NCAC’s credibility to suit your personal agenda was insulting. That is why I termed it as nonsense, unsubstantiated and asked that the phrase be disregarded.

- I’ve heard from an increasing number of community members who do not feel comfortable approaching the NCAC due to their repeated pattern of dismissing concerns.

So why are people coming to you to voice their concerns and who are they and why have I not heard from any of them except one or two who I have taken the time to respond to? How can those who have questions be frustrated if they have not attempted to contact the NCAC for an answer, or why have they not proposed an agenda item with a clear explanation of that agenda item? And instead come to you?

There appears to be an extensive pattern of the NCAC not following proper process or procedures for the past several years:

- No bylaws committee to keep things in check

The Bylaws Committees in the last four years have created four changes to the bylaws and submitted them to the County for approval by County Consul. The first (2019) was the change to have the Conflict of Interest question of the officers be asked early in the meeting so that the responses could be recorded in the minutes. Larry Glickman and Susan Schomberg were on that committee with the Chair and that request was submitted to the County for approval. The second Bylaw Committee was comprised of Tracey Hauth and Susan Schomberg regarding the use of Zoom meetings as that was not in the bylaws. In 2022 the NCAC also convened a Bylaw committee to change the time of meetings from 9am in some months and 10am in other to being 10 am all year. And the most recent Bylaw Committee (2022-23), composed of Biff Schlichting, Dave Benneth and Tracey Hauth, was convened to develop and clarify the responsibilities for the Secretary and the Communications Coordinator positions. So Bylaws Committees have been active every year of the last four years.

One of the issues associated with the Bylaws Committees is that the work may be done by the committee, but it then goes to the County Development Dept. and the County Consul and may get hung up for many months until they can find time to make a ruling on it. Then it comes back to the NCAC for membership approval. That makes it challenging to track easily and to fold into one document as the large time gaps and no clear home for these documents is a shortcoming of this small organization. That last task, to fold the recent changes into one document to be filed at the County, will be another the goal of the 2022-23 Bylaws Committee. We just received confirmation from Sarah that the Secretary/Communications Coordinator bylaw has been approved.

All this to indicate your assertion is inaccurate.

- Terms of elected officers are out of balance due to not being staggered in accordance with the bylaws

The stagers are on track. The only anomaly is that the previous chair resigned a few months after being elected. The bylaws provide for the Vice Chair to fill in for the Chair if the Chair is unavailable, and that is what I did until the next election. There was a Nominating Committee that sought candidates for Chair, but no candidates were identified. The Chair identified a candidate for Vice Chair and determined that the then current Vice Chair would run for Chair. Based on the unanimous vote this was not a problem.

- Community has received conflicting information concerning the terms of current officers

The "Community" ? Who is this and why has the NCAC not heard any of these questions. The Bylaws address terms and the NCAC officers have all been elected by the membership. What is it you are stating about the terms of officers?

- No nominations committee appointed at the Feb NCAC meeting as required by bylaws four months before an election

My apologies. Do you recommend an action on that? I am working on creating a Nominating Committee at this time and I am open to suggestions. We have over three months to identify candidates, so I am not clear this is a problem. The Nominating Committee will be brought to the membership for confirmation at the April General Meeting. Their work has begun as of this writing.

- Community Plan "Volunteer Team" somehow morphed into a "Committee" without appointment nor balanced representation

I explained clearly the request for volunteers to help create the Community Plan two years ago and the three volunteers who came forward. If you believe there have been flawed decisions in the two years of work to educate the membership and develop a survey so the actual committee work could begin in earnest this spring, please bring it to my attention. More than twenty people with varied backgrounds have been asked to review the current survey which is basically a baseline of input so the committees created will have a perspective on the response of community members to the State Goals and how they may apply to their interests. The current Community Plan will also provide valuable information as a basis for revisions.

- Incorrect versions of bylaws

I have addressed this above in the Bylaw Committee section.

Those are just a few examples of ongoing concerns. I understand everyone is a volunteer, but when roles are to facilitate communication with the community on important topics it is important to follow the procedures in place, or reach out to the county for help in accomplishing the goals of the NCAC.

Hillary, no one has taken the time or made the effort to cite the NCAC officers shortcomings to us except you, Roger Wickland and Mark Elliot. I responded to both Roger and Mark and had dialogue to work through to an understanding with Mark. You apparently are responding instead of Roger. If the "Community" has created your position as spokesperson I commend them but I am not aware of this role and direct contact with me is answered as clearly as I can answer. I am open to direct dialogue. I have answered every statement you have thrown at us with thoughtful responses. The officers concur as I always ask for their input.

You said in explaining the survey and not using Question One in your recommendations that you did not want to divide the community. That is not what I gather from your positions regarding the NCAC, nor do I understand why you are so vehement in your challenging of our integrity? Your Sub Committee work has been done well and the STR Sub Committee had its work voted for and passed to the County.

Sarah & Lynn, I apologize that this endeavor may have been a distraction from your larger tasks at hand, and appreciate your time

Randall Koch, Chair
Neskowin CAC

On Feb 22, 2023, at 3:31 PM, Hillary Gibson <hillary.gibson@me.com> wrote:

NCAC Officers & County,

Dave - Thank you for providing an updated version of the analysis authored by the officers - it is a step closer to being accurate, but not quite there yet. I received many questions last week about the NCAC STR committee's role in the alternative analysis, and for that reason and as requested roughly no less than a dozen times prior to today by various committee members, I would like to again request that the report list the officers names as the **authors** - it is still not clear that the officers wrote the actual report, and I do not want it further confused with the committee's work.

Additionally, since 92% of the participants voted and the poll did not provide an 'abstain' option it is reasonable to deduce the following percentages from NCAC members present at recent meeting for vote:

52% aye

40% nay

8% abstain

I'd like to respond to Randall's assertion that the STR committee omitted a question in our survey results: "Our analysis was based on the only question the subcommittee decided not to use in the analysis." Please note that all questions were included in our analysis, and the question at hand is listed as #1 on the survey slides showing the data resulting from those responses for that question. The additional analysis was a choice of the officers, but it was not required. The data is welcome to be shared, we simply ask it be shared with the names of the authors (officers) for full transparency. This is different from saying "Prepared at the request of...." as it's still not clear who compiled the actual data for this analysis and it has been continually confused with our committee's work.

I'd like to challenge the suggestion from Randall that if anyone has a concern they are welcome to bring it to him - I've heard from an increasing number of community members who do not feel comfortable approaching the NCAC due to their repeated pattern of dismissing concerns. I respectfully mentioned concerns at the most recent public meeting which were referred to by the Chair as "nonsense" and "unsubstantiated" with instructions "to be disregarded" twice instead of simply noting the concerns or opening the topic for discussion. Randall's last email also referred to Roger's response requesting what was agreed upon at the meeting as not "legitimate" which is unacceptable from anyone in a position to facilitate communication.

There appears to be an extensive pattern of the NCAC not following proper process or procedures for the past several years:

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- Terms of elected officers are out of balance due to not being staggered in accordance with the bylaws
- Community has received conflicting information concerning the terms of current officers

- No nominations committee appointed at the Feb NCAC meeting as required by bylaws four months before an election
- Community Plan “Volunteer Team” somehow morphed into a “Committee” without appointment nor balanced representation
- Incorrect versions of bylaws

Those are just a few examples of ongoing concerns. I understand everyone is a volunteer, but when roles are to facilitate communication with the community on important topics it is important to follow the procedures in place, or reach out to the county for help in accomplishing the goals of the NCAC.

Sarah & Lynn, I apologize that this endeavor may have been a distraction from larger tasks at hand, and appreciate your time as always.

Thank you,
Hillary

On Feb 22, 2023, at 2:18 PM, <dbenneth@comcast.net> <dbenneth@comcast.net> wrote:

Sarah and Lynn

Please see attached a resubmission of information I sent to you Monday of last week on behalf of the Neskowin CAC that was incomplete.

If you have questions or concerns, please let me know.

Thank you!

Dave Benneth
541-401-3157

<Resubmission of NCAC Survey Results to County on February 22, 2023.pdf>

Lynn Tone

From: Public Comments
Sent: Friday, March 3, 2023 8:54 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR Comments

From: Gary Chin <gary_chin@icloud.com>
Sent: Thursday, March 2, 2023 8:21 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
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.]

Hello Tillamook County Dept of Community Development,
I'm a full time Neakahnie (NKN) resident and have a few thoughts on the Tillamook County STR Ordinance Draft 1-9-2023:

First of all, thank you for the hard work that must have gone into drafting this ordinance. This is a big step forward on a complex topic.

I fully support the idea of STR Registration Certificates that are capped in total number, but I didn't see what the established cap number was? I would be interested in hearing how the cap is determined. In adjacent Manzanita, I believe the cap is somewhere around 17% of the total number of houses, so I think that would be reasonable for Neahkanie as well and would align the two adjacent communities. I would not want to see a higher cap in Neahkanie that could have the effect of making NKN into the local/Manzanita "rental area."

As a neighborhood resident that is pretty close to an existing STR, I can attest to the change in the character of the street/neighborhood when the STR house is full. Having said that, it's not always bad. It really depends on the renters. So I also support Density Limitation, but don't agree that they should only apply "*in locations outside unincorporated community boundaries.*" I agree that density limitation doesn't make sense in *cities*, but unincorporated communities are probably more impacted by STRs than areas outside of unincorporated community boundaries, so I feel that density limits must apply there as well.

Respectfully,
Gary Chin

Lynn Tone

From: Public Comments
Sent: Friday, March 3, 2023 8:54 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Proposed STR regulation changes

From: KEVIN HENNE <khenne3@comcast.net>
Sent: Thursday, March 2, 2023 7:40 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Proposed STR regulation changes

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To whom it may concern,

My husband and I own a home in unincorporated Tillamook county . We have been visiting this community regularly for 20years before we were lucky enough to purchase a place of our own. We have many happy memories there and look forward to retiring in the near future and spending more time there.. We do STR with our home to help defer expenses. Our 1910 home does not meet the proposed regulations of closets and bedroom sizes. We don't have a built in closet in the entire house and the bedrooms are very small. There are armoires and dressers which is plenty for vacationers. I don't see how this should affect people renting our home. We have never had complaints about our home and employ a local management company that is available when needed. If we cannot continue doing STR we will not sell or rent long term as we love to visit monthly. We will stop the local lawn service, garbage service, and local management including the maid service. We will also be deferring maintenance. Our home will no longer get be the tidy, well kept place it currently is. All of this lost revenue for our little town because we don't have built in closets. We have talked with several other STR owners and we are not alone. I understand the lack of housing frustration, but this is not the answer. Has anyone talked about where all the money from STRs is going? Is any of it being used for providing vouchers for low income housing? That is what these towns need. The price to rent or buy some of the current STRs will be out of reach for those that need it. The loss of revenue for these towns will do much more harm than good.

Please consider eliminating the closet and bedroom size regulations.

Debra and Kevin Henne

Lynn Tone

From: Public Comments
Sent: Friday, March 3, 2023 8:54 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: please restrict STRs!

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

From: Cliff Lehman <clifflehman224@gmail.com>
Sent: Thursday, March 2, 2023 6:14 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: please restrict STRs!

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Hello,

I am the owner of a duplex in Neahkahnie. We have one unit on the STR market and the other for ourselves.

We support new limitations on STRs. When we are able to, we will be trying to transition the STR unit to longterm rental. We believe it's the best interest of the community to limit the number of STRs in our community and encourage the development of more longterm housing.

Thank you,

Cliff Lehman

503-544-7610
37320 2nd St.
Neahkahnie

Lynn Tone

From: Public Comments
Sent: Tuesday, February 28, 2023 3:18 PM
To: Lynn Tone; Sarah Absher
Subject: FW: EXTERNAL: Tillamook County Violating Public Information Laws and board members colluding behind closed doors

This was sent to the commissioners and county counsel already, FYI

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

From: Chris <chrismariebinge@gmail.com>
Sent: Monday, February 27, 2023 2:45 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Tillamook County Violating Public Information Laws and board members colluding behind closed doors

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It was brought to my attention that Dan Kearns has been meeting with Tillamook County staff and board members off the public record and behind closed doors. This is a direct violation of the laws governing public information and the public's right to information. I was told Dan Kearns would be brought on to provide advice during the public discussions taking place on STRs with the str advisory group and the board members. It appears private conversations and meetings have taken place with Mr Kearns outside of the public eye, under the guise of attorney client privilege. Mr Joel Stevens is withholding emails and communication with Mr Kearns to public officials. The board members should not have an attorney outside of the public eye to privately collude and have discussions outside of public meetings. This is corruption at its finest. By the time the board members vote on any changes, they will have had several private, biased, and undisclosed public conversations. Board members are not even allowed to reply to emails where they are ALL addressed by replying all as to not sway another's opinion. This is also in place to protect the public from government officials colluding behind closed doors. Tillamook County, Joel Stevens, and the board, owe us -all an explanation for their corrupt behavior.

Christine Binge

Hello Short Term Rental Advisory Committee,

We know you are getting a lot of comments, so here is a brief outline of our submission:

1. We are native Oregonians with a growing love for Neskowin (see picture below).
2. We support STR rules regarding signs, noise, garbage, parking.
3. We support achieving a community balance, but not by revoking existing licenses.

1. **We are native Oregonians with a growing love for Neskowin.** We are four native Oregonians (two brothers and their wives) that have always shared a love for the coast, especially its smaller communities. We were absolutely thrilled to have an opportunity to make our dream vacation home a reality. While we have a goal of using the home as much as we can (and developing long-lasting memories with the *seven* Oregonian children we are collectively raising!), we operate as a short-term rental to make that dream a reality. We would be unable to keep this perfect family vacation home without opening it to other guests when we are not using the home. It was important to us to find a locally-based rental management company with someone on-call in both Neskowin and Lincoln City. We believe our management company has both our interests in mind and those of the community we joined. We are very supportive of maintaining the important balance between responsible visitors and full-time residents. We intentionally market and rent to families (and as long as they treat our home and neighborhood very well, we hope to attract the same guests year after year). One of the many reasons we love Neskowin is that it's peaceful and family-oriented. We want to contribute to that culture. Our appreciation for Neskowin grows with every visit and we are thrilled that our children will grow up with memories of hiking Proposal rock, visiting the Ghost Forest at all tide levels, exploring the caves at low tides, hiking in Sitka Sedge, golfing when Neskowin Beach Golf Course dries up or clamming in the Netarts Bay mud in negative tides. Some comments have assumed that the majority of STR owners/operators either have no local connection to the community or are only financially motivated, so we wanted the chance to proudly add our background to the list of folks for which neither of those are true.

2. **We support reasonable STR rules.** We are supportive of the initiative to update STR rules as we are empathetic to the frustration shown by many in the Tillamook County communities from both 1) residents who have had negative experiences with STR owners/operators, and 2) responsible STR owners/operators who might ultimately be negatively impacted because fellow STR owners/operators are not respecting the communities in which they operate. This is much more than a financial investment for us and we hold ourselves accountable as good neighborhood and community members (and the STR requirements should be the baseline for that accountability in our humble opinion). We acknowledge there will be many opinions on what the best set of rules should be and will require many compromises (including a final set of rules that very few will 100% agree on). We encourage the Committee to heed Gus Meyer's comments from the February 2023 meeting to "avoid overlap" and focus on clear rules that address the primary problems of clear signage, noise, garbage and parking. No one benefits from overlapping or vague rules intended to address these core problems indirectly, neither owners/operators seeking to comply with the rules nor county officials that will be drawn into unnecessary complexities, appeals or legal challenges. Almost every rule is focused on these core issues, and we believe little additional regulation is necessary if reasonable limits were placed on the following:

- Signs: Guests, neighbors and others should be able to identify and contact the manager of a short-term rental. We recommend against complicating a sign with too much information to prevent eyesores or complex, custom printings – but it certainly makes sense to have

effective signs at short-term rentals. If neighbors know who to call then it helps with enforcement of other restrictions (e.g., noise, garbage and parking).

- **Noise:** Guests at short-term rentals should respect the community they are visiting, which includes keeping noise levels down at night. A reasonable noise policy combined with clear signage will help Tillamook County quickly identify irresponsible owner/operators. Complex rules that are aimed at addressing noise (like event permits for birthday parties or daytime occupancy limits) unnecessarily “overlap” with addressing noise as Gus Meyer explained. For example: would we need a permit to use our home with our two families as a “reunion” or “birthday party” and, if so, does that now give us permission to make more noise or park more vehicles? We recommend staying focused on the problems of noise and parking instead of trying to back our way into the problem through other means.
 - **Garbage:** We operate a large home that is perfect for two families, which is why we love it. We do generate more garbage than full-time residents because people are bringing food and making big family meals. We rely on a trash shed with two large cans and our management company calls for an extra pickup (at our expense) when it is needed. When we learned our shed was not strong enough to resist a determined bear, we invested in two excellent bear proof cans. We also have a recycling station in our garage that limits trash and encourages recycling of common items. Operators need adequate solutions for their trash. And if additional pickups are required, then there should be a fee for that service.
 - **Parking:** STRs that do not responsibly limit parking cause huge frustrations for their neighbors and communities. We support solving this by ensuring STRs have provided adequate parking for their maximum occupancy, that they notify their guests and that they enforce any guest violations. We hope to avoid complex limitations (e.g., event permits or daytime occupancy limits) that are primarily intended to address the problem of parking.
3. **We support maintaining a community balance by limiting new STR licenses.** Tillamook County is filled with incredible natural beauty. We have spent our lives vacationing on the Oregon Coast and we believe the visitors that spend money in Tillamook county as a vacation destination benefit the community. While we believe the beauty of Tillamook’s public land is a treasure for all Oregonians, we certainly understand that a balance of seasonal visitors and full-time residents is important for those that have chosen to live in the county year-round. We also believe that desired balance may be different by community based on history, culture or existing development plans. Whether that balance is defined by percentage of homes (this makes more sense to us) or by minimum operating distance (this seems harder to define or enforce), we believe that balance must be achieved over time by slowing the issuance of new STR licenses. We were surprised and disappointed to see the current draft language suggest we could lose our STR license in five years even though we intend to continue operating legally and responsibly. Revoking licenses without cause will draw legal challenges, introduce high-stakes decisions on who keeps their license, force second-homes to be sold and reduce property values for current owners/operators. We ask the committee to focus on where we have common ground that undoubtedly improves our community. This includes defining a reasonable balance for communities within Tillamook County and working towards that balance over time, but hopefully we can avoid the distractions that will be caused by pursuing revocations of existing licenses for responsible owners/operators.

The task before you is a challenging one with many highly-charged opinions. Thank you for considering our thoughts above and for your investment in developing the best collective path forward for all stakeholders. We plan to visit our Neskowin home for decades to come and we appreciate your service to that community.

Respectfully submitted,
Jill, Elizabeth, Gabe, and Joel Willard



Lynn Tone

From: Public Comments
Sent: Monday, February 27, 2023 9:52 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Please Support STRs & Tourism in our Coastal Communities with Balanced Regulations - Do Not Repeal Ordinance #84

From: Adena Grundy <adenagrundy@yahoo.com>
Sent: Sunday, February 26, 2023 5:38 AM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Please Support STRs & Tourism in our Coastal Communities with Balanced Regulations - Do Not Repeal Ordinance #84

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Tillamook Board of County Commissioners & STR Advisory Committee,

In this time of rising inflation and house sales going down due to mortgage rates continually increasing, placing major limitations on rentals is an elitist attitude. I have worked very hard and come from poverty, now after I have invested in a property that I use myself but subsidize the ability to own a second property near the beach by renting. Meaning I use the property in the off season. Not being allowed to rent will only force me to sell during a downturn in the economy, but perhaps that is your plan. Regentrification is poor's man's relocation, at whatever level. Sorry we cannot all be wealthy second homeowners, plus you will be impacting the cleaning personnel, and other low-income wage earners that rely on rentals. There are other ways to enforce restrictions for starters how about creating a rule for no alcohol and marijuana consumption on beaches and levy fines, certainly that would cut down on riffraff and generate income. This is just another blow to the middle class.

V/r
Concerned Property Owner

Sarah Absher, CFM Director
Tillamook County Department of Community Development
1501-B Third Street
Tillamook, Oregon 97141

February 25, 2023

RE: Public Comments on Proposed Short Term Rental Permit Ordinance Changes
33580 Madrona St, Pacific City, TL# 4S1124AD1300

Dear Ms. Absher,

Please accept this letter as comments on proposed changes to the Tillamook County Short Term Rental (STR) Permit process through recent proposed ordinance changes. Our comments pertain to the Draft Ordinance 84 Revisions dated 1/9/23 from the CFM Director to Short-Term Rental Advisory Committee. We ask that this letter be included in the public record of comments pertaining to proposed changes to STR regulations.

We are property owners of a dwelling located at 33580 Madrona St., Pacific City Oregon (TL# 4S1124AD1300) which is located one block east of the ocean and two blocks south of the Pelican Pub and Cape Kiwanda. Attached is a copy of the county tax assessor maps with our property highlighted as reference. We have owned the property since 1992 (30+ years). When we purchased the property as vacant land, dory boats and firewood were stored on the property and property to the south of Webb's 1st Addition was vacant with abundant deer and wildlife. At that time, the vast majority of homes in our neighborhood were vacation homes with few permanent residents except Sam Sakamoto and Lauren Parks who were both retired and dory fished. Our neighbor across the street, Mr. Sakamoto who has since passed, was a teacher in the Portland area who supplemented his income by dory fishing during summers and later retired to Pacific City. We purchased the property before the Nestucca Ridge, Shorepine Village, Dory Pointe developments existed, but even at that time the community was primarily a vacation community with a small dory fishery economy. We camped on the property until the dwelling was built in 2000 by a local builder with materials supplied by local businesses and local Tillamook County residents were employed constructing the dwelling. Since the dwelling was built, we continue to purchase goods and services from local Tillamook County business and a local business, Kiwanda Coastal Properties, manages the dwelling for us. We have a STR permit for the property, have participated in the STR permit program since its inception around 2010 and rented our dwelling for short term use since it was built to help pay costs. Currently we occupy the dwelling about 9 months of the year and make it available for short term rental approximately 3 months per year. My wife and I both work for a living. We are not wealthy and cannot support a second home on the Oregon Coast without some income generated from short term rental of the property to help pay a portion of the cost of ownership. That certainly was true in 2000 when we built the house for a fraction of the cost that houses are being sold today or the current cost to build and continues to be true with inflation driving up the cost of everything. Like many other property owners with STR permits, short term rental income primarily helps us cover the cost of property taxes, insurance and provides some support for utilities and maintenance of the dwelling. We suppose some with STR permits make a yearly profit, but we suspect most like us are just covering a portion of the cost of owning a home on the coast. We are grateful for the opportunity to be part of the Pacific City and Tillamook County communities and are thankful for the people that rent our house each year so we can continue to own it and enjoy our time in Tillamook County. We and our three children

have spent many days in our house in Pacific City. We have shared our home with hundreds of thankful families and individuals as a short-term renters over the years, paid many tens of thousands of dollars in tax revenue to Tillamook County as property taxes and transient lodging taxes.

We would like to make both general comments about proposed STR permit changes and specific comments concerning STR permits in our neighborhood in Pacific City.

GENERAL COMMENTS

While we understand and support concerns about housing for permanent residents and other issues, we also believe there needs to be a balance between those concerns and short-term rentals which provide a significant local economy and source of revenue that supports and enables many locals to reside in Tillamook County since the economic fabric of the county has changed over the years from primarily a natural resource based economy to one with a greater reliance on tourism. In reviewing recent proposals to the STR we feel that while many standards make sense, some do not. We believe the final ordinance needs to strike a fair balance between resident/neighborhood concerns and property owner rights.

Our primary concern is the lack of specific standards that Tillamook County must meet concerning revocation of STR permits, yet there are very detailed specific standards for property owners to meet to obtain and maintain a STR permit. In other words, according to the recent proposal if it is adopted, Tillamook County apparently can cancel or revoke an STR permit on the basis of complaints whether they are true or not and the County can also simply revoke a permit in order to meet a goal the County sets for the number of STR's in a community with little regard to a property owner's right to contest or resolve a complaint or protection for a property owner who's entire ownership is based upon the assumption that their STR permit will continue as long as they meet conditions of the permit. Section 0.040.C, Cap on Number of STR, basically says the County can revoke a STR permit without cause simply to meet an arbitrary cap on STR's they alone determine. There is no discussion within the proposal about how the County will make the decision on who's STR permit will be revoked in order to meet the cap. That is a big issue for property owners with STR permits. Will a property owner have to know the right person at the County or donate to the right cause to avoid having their STR permit revoked to meet a cap? I'm being facetious of course, but I think you get my point that the process for the County to revoke a STR permit should not be arbitrary or random, it should be clearly defined. There needs to be standards and a process established for the County to meet to be able to revoke STR permits from folks that have held them for a long time, have always met permit conditions and are counting on that income to be able to afford their property. It seems to us that there is a partnership here, with STR's being a driver of significant economic activity that benefits many county residents and businesses. STR owners need certainty that their permit will not be revoked at a whim by the County without cause and local businesses need the income STR's provide. Changes to the STR permit program as proposed eliminate the certainty STR property owners need. To achieve the same economic benefit that STR's currently provide, the alternative is building a lot more motels, hotels, campgrounds etc. in county coastal communities. Is that what people want? Development more like Lincoln City with motels along a strip instead of communities primarily composed of homes, because that will need to be built in order to provide the same economic benefit STR's provide if the numbers are significantly reduced. If the long term goal of the County is to limit

the number of STR's with caps, then the fairest way to do that is over time through attrition as existing permits are not renewed or revoked for cause such as a violation of the permit. It is unfair to create a cap and through some undefined hidden arbitrary process cancel STR permits.

Concerning caps, we understand that folks don't want STR's allowed everywhere and we are sympathetic. But we also don't believe applying percentage caps and density limitations for STR's is the best way to deal with the issue. Instead, we think an overlay zone should be created that identify where STR's are allowed and outside the overlay zone, STRs are not allowed. We will discuss our complaint against caps and density limitations and the overlay zone concept in the specific comment section below.

We also have a concern over the lack of a definition of "unresolved complaint" or "resolved complaint". What is an unresolved complaint and who determines that a complaint is resolved? Someone may make a complaint that is real and true, but someone may also make a fake and bogus complaint or a series of complaints simply because a neighbor doesn't like STR's and doesn't want them on his/her street. Who determines that a complaint is valid? How does a property owners resolve a complaint that is bogus? Who makes the determination that a complaint, either real or bogus, has been resolved? Does the person who complained or the property owner who is responding to a complaint determine the complaint was resolved? There needs to be a clear process identified for resolving complaints that gives equal weight to the person complaining and property owner for resolution. Otherwise, how does the property owner question or contest a complaint that may be bogus or resolve the complaint if it is valid? Obviously, the STR property owner doesn't want complaints, but we also don't have as much control over short term renters as we would like, significant less than an owner has over long term renters because by the time we hear about a complaint it is likely the individuals are gone. How does the STR property owner resolve that?

Another concern is sections 0.080.F and 0.080.G; Noise and Quiet Hours-Operational Requirements and Standards for Short Term Rentals because these sections lack specific standards. These two sections do not have any measurable standard for noise which is a problem because what are we supposed to tell our STR renter, don't make any sounds? Rather than setting a decibel standard, the sections say that any sound audible beyond the property line is a violation. Any sound. How is it possible to stop all sounds at the property line and does it even matter if the decibel level is below a reasonable level? Does a renter talking while sitting on the deck after 10pm violate the noise and quiet hours sections because they can be heard beyond the property line when the property line is just a few feet away even if they aren't talking loudly? If noise is a problem with STR's than its also problem with owner occupied, long term rentals, time shares, motels, hotels etc. Why should STR's have a noise standard that isn't measurable, yet no other dwellings, hotels, motels etc., no one who owns property in the county has a noise standard they are required to meet? We are told that the County does not have a noise ordinance. If noise is a problem, the County should have a noise ordinance with specifics on time and decibel levels that all people should meet including STR renters, long term renters, property owners, time shares, hotels, motels, businesses etc. and the ordinance should be enforced uniformly. We have no problem with reasonable noise standards, but they should be applied equally to everyone within the County. STR's shouldn't have special or different standards on noise than everyone else. That isn't fair or reasonable.

Using the noise provisions as an example, how does a property owner with a STR resolve a noise complaint? In other words, if a neighbor complains about noise to the County Planning Department, but no one was

called or if called no one (sheriff?) shows up to see if there is a problem during the offending time and no noise ordinance was documented to have been violated, then how does the STR property owner determine whether the complaint was valid or resolve the complaint? With the current language in 0.080.F, 0.080.G it seems that someone who wants to get rid of an STR for whatever reason can use the vagueness of the noise provision, make repeated complaints about noise and there is nothing a STR property owner can do to resolve things or even figure out if the complaint is legit or bogus.

Section 0.040.D specifies that there will be no new STR permits issued if there is an existing valid STR permit within 250 feet of the applicant's property. This provision might make sense in some neighborhoods or in rural areas in the County but it makes no sense in our specific neighborhood in Pacific City and likely doesn't make sense across the whole Pacific City community. A blanket provision like this, a one size fits all approach to STR's Countywide, in our opinion simply doesn't make sense and is not warranted.

We are aware that the number of STR complaints are incredibly few according to the County's own records. We are told that the number of STR complaints average around 10 or less each year. That is amazing since there are something in the order of 1,400 STR permits and most STR's are quite busy during the peak summer season of around 8 to 10 weeks. If there are so few complaints according to the County, then either there isn't a problem, or the vast majority of issues that come up are resolved effectively by property owners and property managers. If there are so few complaints recorded, then why is the County in the process of limiting STR's at all? By anyone's measure 10 complaints against 1,400 STR permits shows there clearly isn't a problem with STR's on any significant level and major changes to the STR program is not warranted. If there are repeated complaints in a particular neighborhood or on a particular STR, then the County should provide enforcement against those few bad apples, not make major changes to the STR program as a whole.

Concerning STR permit annual renewals, the STR ordinance should specify that if a property has a STR permit, the permit will automatically renew annually if permit conditions from the previous year were met and current STR requirements are met. It is not right or fair that property owners who obtains a STR's will not know from year to year whether their permit will be renewed especially when they are not notified until February or March (currently) which is after bookings for the year have begun.

We think STR's are being singled out and blamed for a lot of things. We think the things people complain about at STR's also occur at family vacation homes, time shares and long term rentals that are not STR's, yet no one is proposing to regulate them and require they meet and prove they are meeting various provisions; parking, number of people (maximum occupancy), noise, quiet hours etc. Why should the ability of an owner to rent property on a short term basis be restricted greater than for a property owner who rents their property long term or for time shares solely due to complaints? If the County doesn't prohibit a property owner from renting their property long term or time shares on the basis of any standards or due to complaints, then how is it right and fair to prohibit a property owner from the ability to rent on a short term basis on the basis of complaints (real or bogus)? What we are saying is, if the County requires property owners to have short term rental permits, then the County should also require time shares and property owners with long term rentals to have permits and the permits should be required to meet the same standards and have the ability for their permits to be revoked under the same standards. After all the issue is impact on neighbors. It doesn't matter who causes the impact, just that the impact stops. The only difference should be the definition of short and long term rentals and time shares which would restrict where

in the county and in which neighborhoods STR's should be allowed. Why should STR's have to 1) Provide proof of liability insurance, 2) Provide garbage service, 3) Provide proof of access, 4) Provide notice to neighbors, 5) Comply with operation standards, 6) Execute an Indemnification and Hold Harmless Agreement protecting the County, 7) Meet noise rules, 8) Be subject to inspections, 9) Pay a registration fee, 10) Meet parking standards, 11) Have a maximum occupancy, 12) Meet quiet hours, 13) Be in compliance with zoning, 14) Meet fire and life safety standards, 15) Have a contact person available within 20 minutes of the property, 16) Post signs and the certificate, 17) Meet good neighbor policy and guidelines, yet long term rentals and time shares don't have to meet any of those things? Don't get us wrong, we have no problem with the county having a STR program, no problem meeting our STR permit conditions and have fully complied since the program began. But, from our perspective livability issues are a concern for all dwelling types. A rental is a rental whether it is long term or short term. Short term use is short term use whether it is a family vacation home, time share or STR. From our experience, there isn't any practical difference in terms of neighborhood impact. All can have issues. All can work fine. It depends upon the dwelling occupants. If STR regulations exist to protect the health, safety, welfare and livability of Tillamook County neighborhoods, then why aren't long term rentals, time shares and vacation homes regulated in a similar manner? We don't see a difference between STR's, long term rentals, time shares and vacation homes in terms of health, safety, welfare and livability issues. We wonder why short term rentals are being singled out and asked to meet standards that long term rentals, time shares and vacation homes don't have to meet? Why are there no standards or permits required for long term rentals, time shares and vacation homes? How is that fair?

SPECIFIC COMMENTS CONCERNING STR'S IN OUR PACIFIC CITY NEIGHBORHOOD and PROPOSED CAP/DENSITY LIMITATIONS

Concerning caps and density limitations of STR's in communities and neighborhoods, we would like to talk about Pacific City and in particular our neighborhood. Our property, 33580 Madrona St (TL# 4S1124AD1300) is in Webb's 1st Addition in Pacific City, located about 2 ½ blocks south of Pelican Pub and the parking area at Cape Kiwanda, west of Cape Kiwanda Road, located between the road and ocean.

Pacific City wouldn't exist if it wasn't for tourism. While the Dory fishery is a great thing, it has never been a large enough economy within itself to support the town. Pacific City has always been a vacation tourist town, at least for the past 70 years. We have owned our property for 30+ years and during that entire time, the town is mostly vacant mid-week and busy on weekends. As the town became discovered, largely after the Nestucca Ridge development was built, the mid-week population has increased and today it feels more like a town mid-week than it used to, but still the numbers of people mid-week compared to weekends are not comparable. When we purchased our property in 1992, there were 3 or 4 houses occupied by permanent residents out of a total of approximately 80 parcels in our immediate neighborhood bounded by the Cape Kiwanda parking lot, ocean, Cape Kiwanda Dr. and Shorepine Village property. Today, there are fewer homes occupied by permanent residents in the neighborhood. We know this because with the advent of remote work the past few years, we are here more than 50% of the time and observe how many houses are occupied by permanent residents and it is a tiny fraction. The percentage of homes occupied by permanent residents has never exceed 10% in the past 30 years in our neighborhood. Our neighborhood has always been a

vacation home and short term rental neighborhood. Given that history, and our location (easy walking distance to the ocean, pub and Cape Kiwanda), then why should there be any restriction on STR's in our neighborhood? Why should there be a 250 foot buffer around every STR in our neighborhood? We don't believe there should be. If there is anywhere in Tillamook County and Pacific City where STR's should be allowed outright, it is within our neighborhood. We are opposed to any cap and density limitations on STR's within our neighborhood in Pacific City since virtually everyone who purchased a parcel or lot within the neighborhood did so with the understanding of the historic use of properties in the neighborhood (vacation, short term rentals), purchased their property with the expectation that historic uses would be allowed to continue and many purchased with the expectation that short term rental income would allow them afford the property. Shorepine Village sits adjacent to our neighborhood to the south. Shorepine had difficulty selling homes when it was originally developed due to a recession, so a significant portion of it was converted to a time-share property for homes that were unsold and today it still has time shares. Given our property location between Shorepine, a time-share property and the pub, why should our neighborhood have any cap on STR's? Why should Shorepine continue as a time-share, which by definition is short term occupancy, while our STR permit could potentially be revoked by the County in order to meet a STR cap goal set for Pacific City in general? Why should the County have any density limitation on STR's in this neighborhood? It simply doesn't make any sense within our neighborhood to limit STR's.

Highlighting our neighborhood demonstrates why we don't believe a blanket one size fits all, cap and density approach to STR's across the county is the right approach. There are neighborhoods in the county like ours where any restriction on STR's simply doesn't make sense, but there are also neighborhoods and locations where there shouldn't be any STR's. We think a better way to approach the issue is to create an overlay zone regulating STR's that clearly shows folks; property owners, real estate people, potential land purchasers, renters etc., where STR's are specifically allowed and where they are not allowed. We also think an overlay zone is much simpler and easier way for the County to regulate STR's than cap and density.

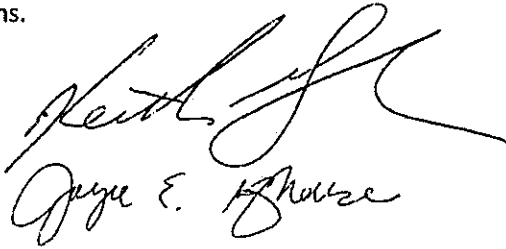
We ask that our concerns and issues raised about proposed STR standards that was discussed in the general section above be addressed. We also ask and suggest that the county focus on the creation of overlay zones for STR's throughout the county rather than the proposed cap and density approach. Overlay zones should be created through a conversation with neighborhoods and property owners, people should be given the opportunity to voice their opinion about whether their neighborhood should allow STR's and how many STR's should be allowed through the public hearing process.

Short Term Rentals generate jobs and produce considerable tax revenue for the County (including property taxes based upon high property valuations due to STR's) that helps it provide services to locals as well as visitors. The people who stay at STR's provide a lot of income to local businesses. STR's provide considerably more revenue for local businesses than family vacation homes simply because they are occupied more often and folks on vacation in STR's spend more than those going to their weekend home. People from all around the country and world visit Tillamook County and stay at STR's including ours because there isn't sufficient lodging otherwise available in the county. In Pacific City, STR's are a driver of the local economy. If the number STR's are capped severely in Pacific City, then in order to generate the same economic benefit, a bunch of motels and hotels will need to be built and that is exactly what we as a property owner don't want for our community. We like that Pacific City is primarily a community of homes and small businesses, not a

community with a strip type development of motels, hotels like Lincoln City, Seaside and other coastal communities. We want to keep the character of Pacific City as it is, yet we also like the fact that as the number of STR's has grown in our community we now have more restaurants, shops that are able to stay open year around due to the economic benefits STR's provide. We think Tillamook County should not rush to change STR rules, should provide sufficient time in an open process to allow competing voices to express ideas and concerns. STR regulations should strike a fair balance between those that don't like or want STR's, those that need a STR to support ownership and businesses that rely on income from STR visitors to remain viable. Clamping down on STR's because of complaining voices of a few in locations with specific issues and conditions does not necessarily warrant wholesale changes throughout the County where the same issues are not prevalent and residents do not have the same concerns. We think it is especially wise for Tillamook County to avoid adopting regulations that kills the goose that lays the golden egg to the county and local economies and helps keep many businesses, communities, and the whole County thriving. It would be a shame for a thriving economic segment that helps diversify the whole County economy be allowed to be suppressed by regulations sought by a few highly vocal individuals.

Thank you for the opportunity to comment and discuss our concerns about proposed changes to STR regulations.

Regards,

Handwritten signatures of Keith D. and Joyce E. Garlinghouse. The signature for Keith D. is written above the signature for Joyce E. Both are in cursive.

Keith D. and Joyce E. Garlinghouse

Tillamook County Property Address: 33580 Madrona St, Pacific City, OR 97135

Mailing Address: 21830 Abiqua Rd NE, Scotts Mills, OR, 97375, Keith: kdg873@yahoo.com (email), Joyce: jeg873@yahoo.com (email)

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

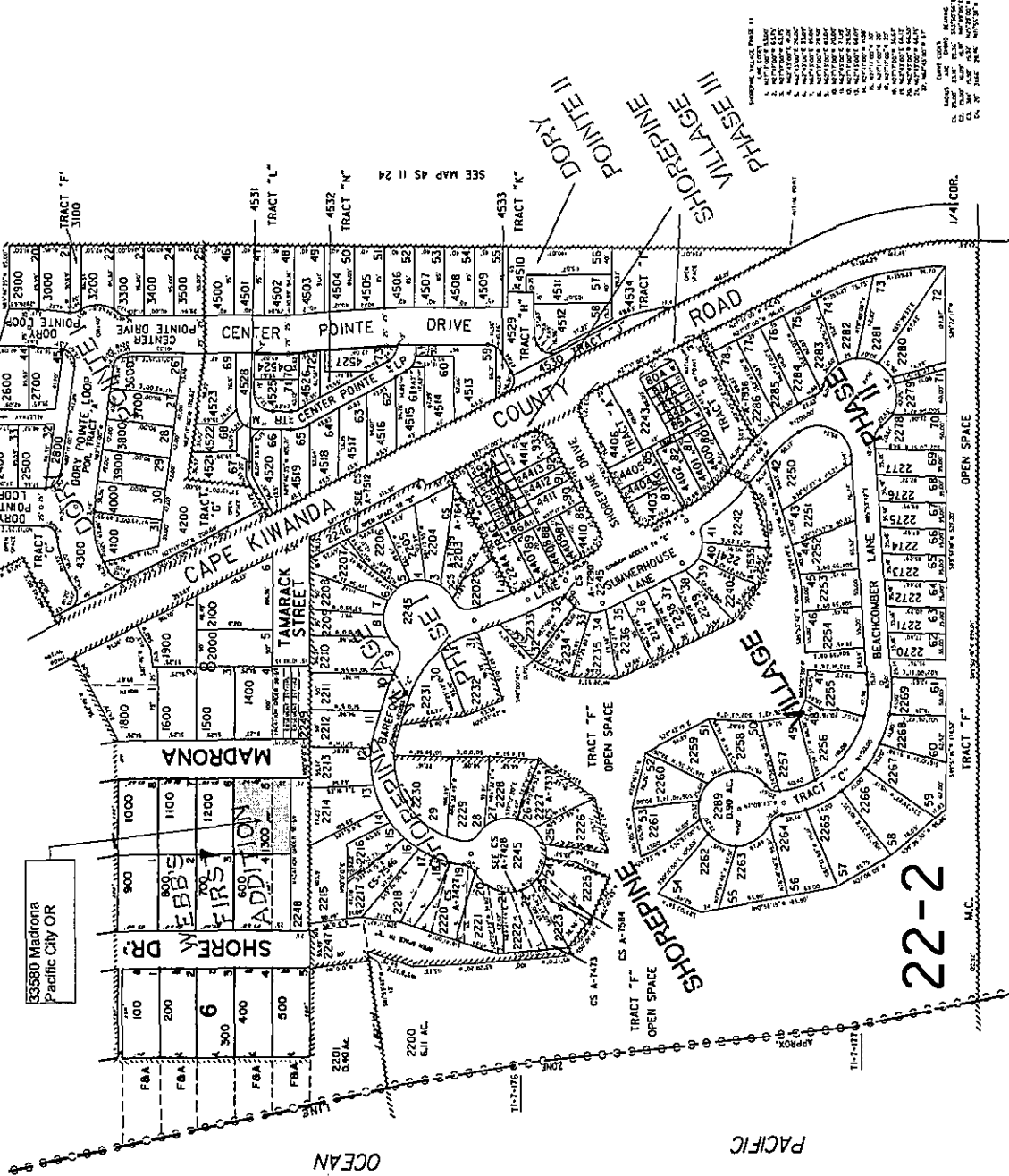
SE1/4 NE1/4 SEC.24 T.4S. R.11W. W.M.
TILLAMOOK COUNTY

4S II 24AD
WEBB'S

CANCELLED NO.
1700
2209
2288
2288

SEE MAP 4S II 24AA

1" = 100'



PROPERTY VALUE PHASE I
LIVE LOTS

1. UNIMPROVED LOT
2. UNIMPROVED LOT
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24. UNIMPROVED LOT

SEE MAP 4S II 24DA

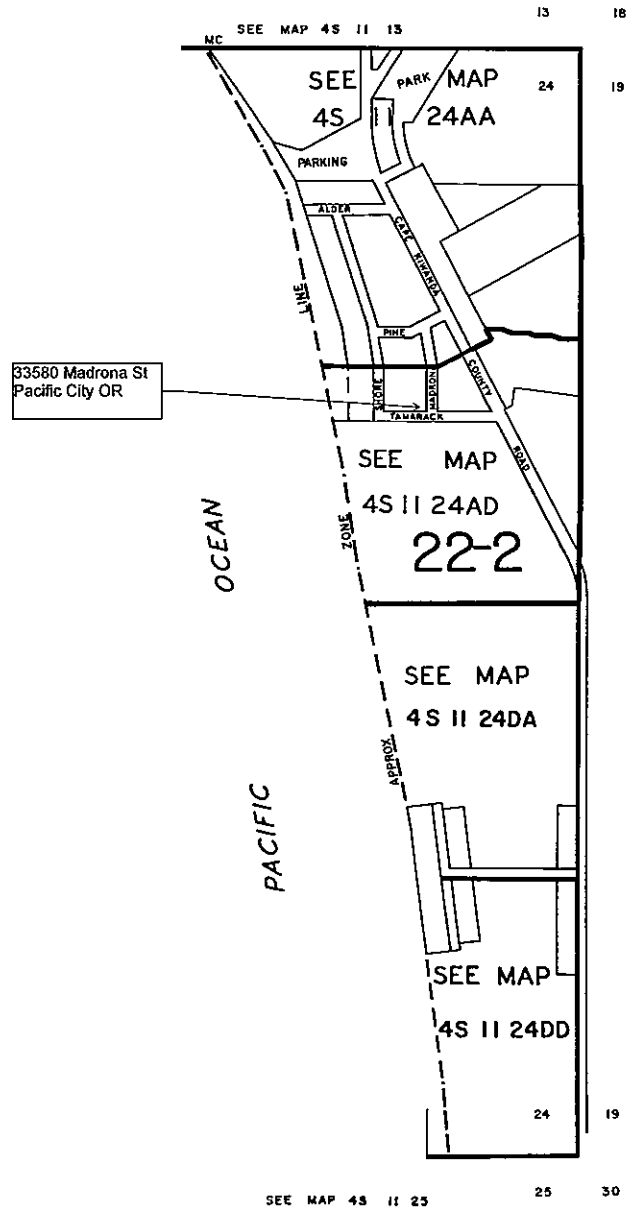
4S II 24AD
WEBB'S
Revised 02/01/06. WS

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 24 T.4S. R.11W. W.M.
TILLAMOOK COUNTY
1" = 400'

4S 11 24
& INDEX

CANCELLED NO.
100
101
102
103



4S 11 24
& INDEX
REVISED 02/01/06, WS

Lynn Tone

From: Sarah Absher
Sent: Monday, February 27, 2023 6:53 AM
To: Lynn Tone
Subject: Fwd: Short term rental owner.

Sent from my T-Mobile 5G Device
Get [Outlook for Android](#)

From: David Yamamoto <dyamamoto@co.tillamook.or.us>
Sent: Monday, February 27, 2023 5:56:38 AM
To: Sarah Absher <sabsher@co.tillamook.or.us>
Subject: Fwd: EXTERNAL: [David Yamamoto] Short term rental owner.

FYI

David Yamamoto
Tillamook County Commissioner
dyamamoto@co.tillamook.or.us
201 Laurel Avenue
Tillamook, OR. 97141
503.842.3403 (W)
503.701.1235 (C)

sent from Galaxy Tab 6

From: Tillamook County OR <tillamookcounty-or@municodeweb.com>
Sent: Sunday, February 26, 2023 4:53:55 PM
To: David Yamamoto <dyamamoto@co.tillamook.or.us>
Subject: EXTERNAL: [David Yamamoto] Short term rental 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.]

David Harris (gracioushawker@msn.com) sent a message using the contact form at <https://www.co.tillamook.or.us/>.

My wife and I Built a home in Netarts in 2005-06 with our on hands. this home is going to be our place to retire in a few years as we both are 70 years old. The only way we have been able to afford our mortgage is to have it on a nightly rental program. If you people take this away from us our dream of living in Netarts when we are old will be lost. There are ways to allow these programs to continue with good rules that don't wipe us out. We have had hardly any complaints in the 15 years we have rented our property as we are very pro active and use our home often our selves. Please work for the hole population of Tillamook County not just a small group with a lot of money to influence decision making. That is not Tillamook County nor should it be ever. I have been coming to Tillamook and Netarts since 1980 and still want to continue doing so, Thank You David M. Harris 541-390-4127

Lynn Tone

From: Public Comments
Sent: Tuesday, February 21, 2023 1:57 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Support for STR draft revisions

From: Howard Freedman <hmfreedman44@gmail.com>
Sent: Friday, February 17, 2023 12:52 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Support for STR draft revisions

[**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 County Commissioners and STR Advisory Committee,

I live outside of Manzanita and am writing to let you know I *vigorously* support the STR draft revisions. This could be a game changer for residents like myself.

I am heartened by your efforts to restore balance in residential neighborhoods like ours by putting in STR caps and density limits. I'm also relieved you've recommended a maximum limit on occupancy and parking.

I know we have a ways to go yet - issues such as lack of enforcement, resource concerns (specifically, water) and emergency preparedness are on-going concerns - but your work reflects a real investment in community livability.

Thank you.

Howard M. Freedman
9135 Windward Ln.
Manzanita, OR

Lynn Tone

From: Public Comments
Sent: Tuesday, February 21, 2023 1:57 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR Comments

From: Michael Johnson <mjsefue@gmail.com>
Sent: Friday, February 17, 2023 4:20 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
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.]

Hello,

My family owns a home in Neakahnie. We have watched the neighborhood turn into a zoo of short term rentals with a constant stream of people changing out every two to three days.

I've reviewed the comments that were submitted by Jacki Hinton and I support and agree with them.

I appreciate the work being done by the county to review this issue and to develop a plan that helps to create a better/safer environment in our neighborhood. I support the draft ordinance that has been proposed.

Thank you
Michael Johnson

NOTES FROM STR MEETING JANUARY 26, 2023

Benefits of STRs

- 69% of the TLT collected by the county is generated by Short-Term Rentals (there are only 748 hotel rooms in the entire county with little available land to develop for hotels)
- That 69% enables road repairs, the tourism facilities and marketing grants, Kiwanda Corridor Project, wayfinding, outdoor recreation accessibility, and much more
- STRs employ hundreds of people that make a living wage. In a survey done in 2020, average wage was between \$20-\$25 an hour. And many families work together in the STR industry, contributing to the county tax base, county infrastructure, property taxes
- Many local businesses and their employees rely on STRs for their revenue and income:
 - o Real estate agents
 - o Building inspectors working with real estate agents
 - o Insurance companies
 - o Retail – including furniture stores, shops, groceries, etc. that locals depend on
 - o Restaurants and food trucks*
 - o Tours, guides and transportation
 - o Visitor centers – including Tillamook Creamery
 - o Attractions (museums, activities)
 - o Landscapers
 - o Electricians
 - o Security systems installers
 - o Power and Window washers
 - o Plumbers
 - o Roofers
 - o Carpet layers
 - o Maintenance companies
 - o Insect and rodent removal
 - o Hot tub repair
 - o Construction contractors (builders, remodelers, fence builders, roofers, etc.)
 - o Housecleaners
 - o Moving companies
 - o Appliance repair

Note: Furniture stores report 40% of sales from second homeowners; grocery stores and retail shops report 40-60% of sales from STRs; and appliance repair store reported 46% of revenue from STRs; restaurants in 2020 reported 60% revenue from visitors – and the local food businesses that supply restaurants, such as farms and fisheries report 75% of revenue is locally sold to those restaurants.

Concerns about the proposed STR ordinance and issues to consider as the STR committee continues its work

- What is the problem this ordinance is trying to solve and how does it solve it?
 1. Complaints from locals about visitors being at the coast – a vacation destination for 100 years?
 2. Lack of enforcement on problem homes?
 3. Problems with unsupervised 2nd homes, those with absentee landlords, non-permitted homes?
 4. Problems with noise, parking and trash?
 5. If someone parks illegally is a ticket issued?
 6. Making higher-valued homes available for local residents? Is this the issue or does the county need to work with builders that can develop affordable housing stock?
 - a. Majority of STRs are higher-end homes – are they affordable to middle-class income families?
 - b. Is the purpose to lower real estate values so that locals can buy these homes?
 - c. Will lower real estate values be what local homeowners want?
 - d. How will lower real estate values benefit county tax revenues?
 - e. If locals invest in homes in popular beach destinations, are they excluded from turning them into STRs?
 - f. What if investment firms buy up these former STRs? What becomes of these homes? Do they wait for a lawsuit to overturn the STR permit limits?
 - g. Does Tillamook County risk its culture as a working class community become a rich person’s playground? And if so, how do you protect access to beaches?

- Professional STR agencies like good rules and work hard to follow them. In 2020, when times were especially tough due to Covid and lack of workforce, STR agencies had an 85% compliance rate with the 20 -minute response rate per the STR rules. Are we now being punished with loss of business and more unenforceable rules for being responsive, rule-abiding agencies?

- Are current permits grandfathered in as stated? If not, why not? And if not, that could be devastating to a lot of businesses and employees – direct and in-direct
- Are STR agencies that work hard to

- Second homeowners who do have an STR permit held to much higher standards than full-time resident homes – yet problems associated with full-time homes, such as abandoned cars, many cars in a single driveway, old RVs, garbage piled up, are not enforced

- Lack of developable land for hotels to pick up the slack in demand – we don’t want to become a Seaside or Lincoln City. STRs help retain a neighborhood feel – full-time STRs, now allowed in residential neighborhoods by the county are considered “illegal hotels” by the Oregon Restaurant and Lodging Association. Is this a zoning issue?

- Are the majority of second homes considered eventual retirement homes? By limiting STR permits – or if not grandfathered in – how does this impact those families counting on moving here full-time?

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



TLT TOTALS: 2019 to 2022

Transient Lodging Tax (TLT) collected by Tillamook County

	2019		2020		2021		2022	
		YoY		YoY		YoY		YoY in \$\$
Q1	\$698,966	+17%	\$583,432	-17%	\$1,502,169	+157%	\$1,560,668.	+ \$55,570
Q2	\$1,144,806	+13%	\$622,199	-48%	\$2,077,090	+233%	\$2,001,624	- \$80,116
Q3	\$1,943,681	+11%	\$2,262,693	+16%	\$2,780,411	+20%	\$3,013,480.	+ \$191,624
Q4	\$709,038	+12%	\$1,241,553	+75%	\$1,219,318	-2%	\$1,159,015.	-\$60,303
Total	\$4,496,491	+13%	\$4,747,449	+5%	\$7,578,988	+60%	\$7,734,787	+\$155,799

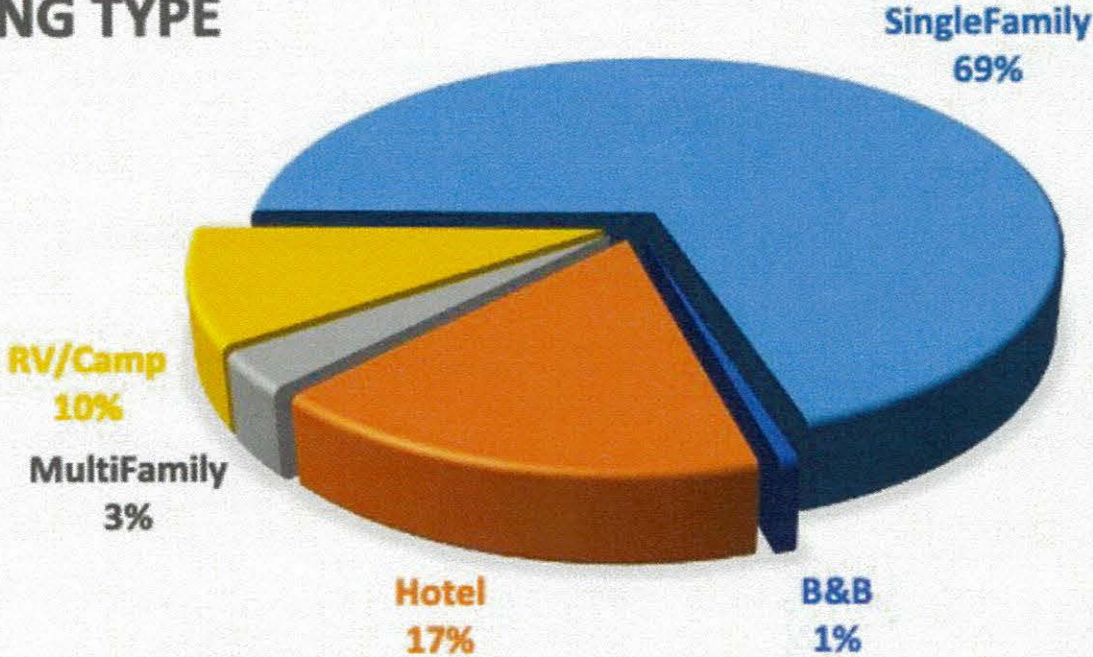
TLT Collected by county: Grand Total 2014-2022: \$39,989,292
 30% roads: \$11,996,787

GROSS LODGING REVENUE TOTALS: 2019 to 2022

				County-Wide Gross Lodging Receipts
	2019	2020	2021	2022
Q1	\$12,466,788	\$13,067,909	\$26,290,402	\$27,666,281 (+ \$1,375,156)
Q2	\$20,145,913	\$14,083,178	\$35,747,229	\$35,374,909 (- \$ 375,398)
Q3	\$34,587,676	\$53,149,357	\$48,470,289	\$52,664,340 (+ \$3,138,143)
Q4	\$12,387,260	\$30,008,334	\$21,643,943	\$19,753,133
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

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

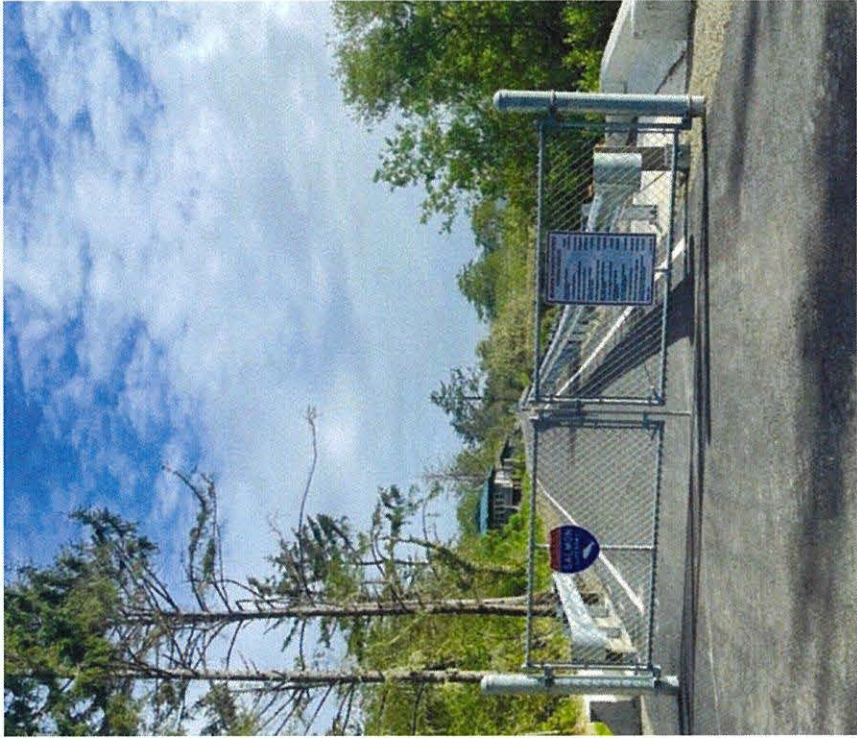
Prior to 2003	After 2003	January 1, 2014
Room tax goes to general budget	Any rise in room tax subject to state law of 70/30 split	County implements 10% transient lodging tax; cities raise their tax to 9%
<p>4% original lodging tax* All lodging tax goes to a city's general fund – most cities in Tillamook 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>\$6.5 million in tourism facilities grants to agencies and nonprofits</p> <p>\$1,000,000 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

EXAMPLES: HOW TLT IS USED



NESKOWIN EMERGENCY EGRESS FUNDING SOURCES	
	Amount
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 Superhighway 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

EXAMPLES: HOW TLT IS USED



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



Tsunami Signage \$40,000 (so far)

EXAMPLES: HOW TLT IS USED

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



Restrooms
and kiosk

Dock



Event tent

EXAMPLES: HOW TLT IS USED



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



EXAMPLES: HOW TLT IS USED



Oceanside Community
Club roof and parking
lot repair
\$113,000



Oceanside Beach Access
\$75,000

EXAMPLES: HOW TLT IS USED



Kayak launchers (2): \$14,000



Beach wheelchairs (9): \$49,000

EXAMPLES: HOW TLT IS USED



Kiawanda Community
Center addition
\$339,000

EXAMPLES: HOW TLT IS USED

\$153,000



Renovation and new seating in NCRD performing arts center



ADA bathroom and lobby remodel at NCRD



EXAMPLES: HOW TLT IS USED



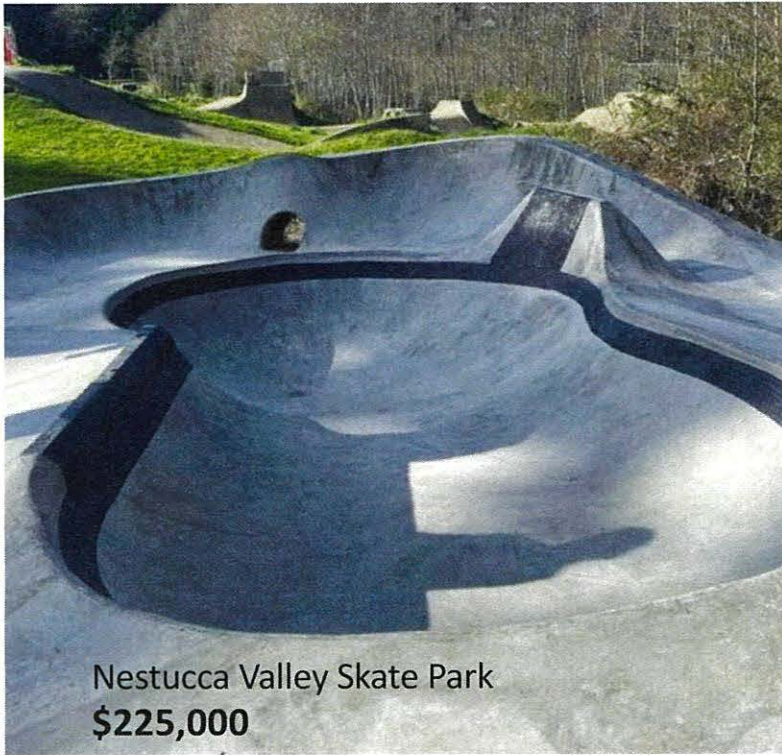
Cape Kiwanda
beach access
\$132,659

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

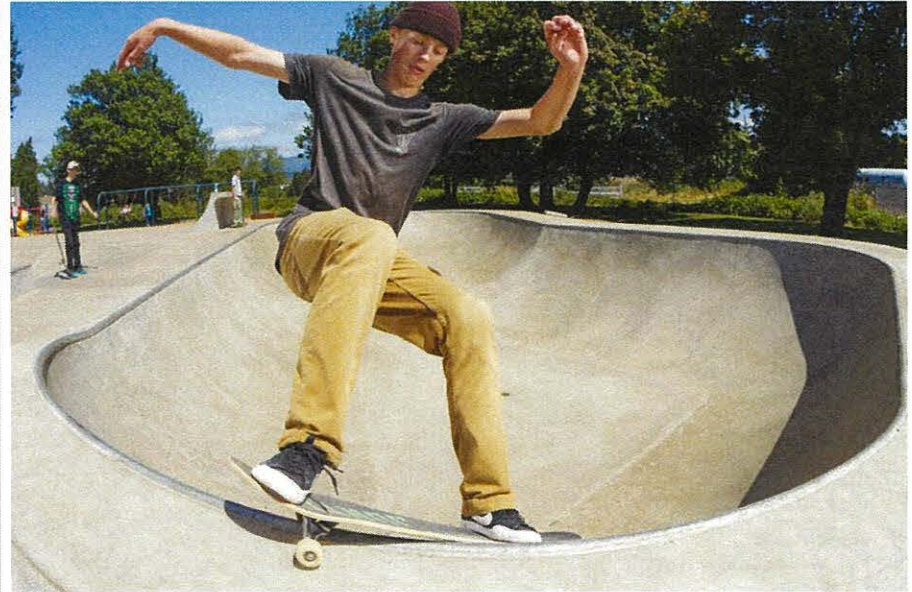
Additional
\$4 million to
develop
parking on
Jensen
property



EXAMPLES: 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

Lynn Tone

From: Chris <chrismariebinge@gmail.com>
Sent: Thursday, February 16, 2023 7:19 AM
To: Sarah Absher
Cc: Lynn Tone
Subject: Re: Information Needed

Sara,

Thank you for the quick response and for the explanation. I am hoping the 250ft rule does not apply to my home, located in unincorporated Manzanita. I am active in the community and know all my surrounding neighbors. All of them are supportive of str's and we work very well together. Not a single complaint. We enjoy sharing our beautiful place with other families.

I spoke to the Bend str director and she said when the enacted the 250ft rule none of the current owners lost their permits. She said it was only for new applicants. Same with the new 500ft rule. No one will lose their permit. It's only for new applicants. It seems they were fair and legal with this approach.

Hoping to be able to work together to find a solution for all. I feel like ordinance 84 was well written. It just needed some help enforcing or coming up with solutions in very specific areas. I know most all str's owners would be willing to help find solutions and work together. It will be impossible to make all happy, but removing a stick from someone's bundle of rights is not the way to go.

Hoping the revisions are written so current permit holders don't lose their permits in 5 years and we all work together. Focusing on growth management for now and working with the current permit holders and those that struggle living next to someone that has one. Let's identify their specific issue and help them.

I will try to come to the next meeting. I tried speaking but when I unmuted myself I was still muted online. Not sure what happened. I'll try again at the next meeting.

Thank you,

Christine

On Feb 16, 2023, at 12:04 AM, Sarah Absher <sabsher@co.tillamook.or.us> wrote:

Hello Christine,

Thank you for reaching out. All proposals will be considered, discussed and decided upon through a public hearing process. Please also note that this tool was not initially proposed to apply to properties located in unincorporated communities or properties within urban growth boundaries.

If your property is located in Neahkahnie or within the Manzanita UGB, the density and distance tool was not intended to be applied in these areas. The distance and density tool was intended for properties outside of areas with these regionally defined boundaries.

We missed you for public comment on Tuesday. If you would like to submit written comments for STR Advisory Committee review, please email them to Lynn (copied). We will make sure they are included in the next meeting packet.

Sincerely,

<image001.jpg>

Sarah Absher, CBO, CFM, Director
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x3412
sabsher@co.tillamook.or.us

From: chrismariebinge@gmail.com <chrismariebinge@gmail.com>
Sent: Wednesday, February 15, 2023 8:19 AM
To: Sarah Absher <sabsher@co.tillamook.or.us>
Subject: EXTERNAL: Information Needed

[**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,

At yesterday's public council meeting, you said at the start if the meeting we would not be discussing the new proposed 250ft rule in the new ordinance.

I need to know if this proposed rule will be discussed publicly before the rule is potentially folded into the ordinance. When will there be a chance for discussion on this topic? I understand there was a lot to get through on the last meeting's agenda. However, this is something that affects me and my family's future and is top of mind for us.

My family and I may need readjust our plans to retire in Manzanita. It is looking like owning a home near the coast may only be a benefit afforded to the coastal elite. We are a middle-class family. If the county enacts the 250ft rule, we certainly won't be able to afford to live here or retire here without a STR permit.

Please advise. If the topic will not be discussed, and the consensus is the 250ft rule is not up for discussion. I need to know.

Thank you,

Christine

Lynn Tone

From: Ryan McGlone <ryan@teammcglone.com>
Sent: Tuesday, February 14, 2023 8:36 AM
To: Angela Rimoldi
Cc: Sarah Absher; Lynn Tone
Subject: Re: EXTERNAL: Fwd: Please Support STRs & Tourism in our Coastal Communities with Balanced Regulations - Do Not Repeal Ordinance #84

Thank you! I appreciate the help.

Best,
Ryan

On Tue, Feb 14, 2023 at 8:33 AM Angela Rimoldi <arimoldi@co.tillamook.or.us> wrote:

Hello Ryan,

Thank you for reaching out. I have cc'd Director Absher, and staff Lynn Tone as they have been navigating the public comment retrievals pertaining to the STR Advisory Committee.

Best Regards,



Angela Rimoldi | Permit Technician: Onsite and Planning

TILLAMOOK COUNTY | Department of Community Development

1510-B Third Street

Tillamook, OR 97141

Phone (503) 842-3408

arimoldi@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: Ryan McGlone <ryan@teammcglone.com>

Sent: Monday, February 13, 2023 10:10 PM

To: Angela Rimoldi <arimoldi@co.tillamook.or.us>

Subject: EXTERNAL: Fwd: 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.]

Hi Angela.

I sent the below letter from a different email address over the weekend and did not see it recorded in the public comments. I just sent it again from my work email and got an auto response from the county with no text. Is it possible for you to forward this in to make sure it was received?

Thank you,

Ryan McGlone.

----- Forwarded message -----

From: Ryan McGlone <ryan@teammcglone.com>

Date: Mon, Feb 13, 2023 at 9:51 PM

Subject: Please Support STRs & Tourism in our Coastal Communities with Balanced Regulations - Do Not Repeal Ordinance #84

To: <publiccomments@co.tillamook.or.us>

Hello County Commissioners and Short Term Rental Advisory Committee,

My name is Ryan McGlone and I am writing to you from Bend, Oregon, my home and another Oregon tourist community that has endured a constant struggle to find the balance where short term rentals fit in amongst a bustling lifestyle community. We also own a second home in Pacific City that we love dearly and use as a short-term rental.

As I listen to the current debate around repealing ordinance 84 and replacing it with a new ordinance designed to significantly limit STR operation in the county, I fear that the County Commissioners are about to invoke great economic hardship on coastal communities without performing their fiduciary duties to do proper due diligence on what these drastic changes could do to your constituents and your communities.

As a Realtor in Bend, Oregon I've intimately witnessed the impacts of the decision in 2015 to put some restrictions on short term rental opportunities in Bend. Contrary to what is being communicated by those looking to strictly limit STR's

in Tillamook County, the net result was no measurable change in housing affordability in our community regardless of the price point. Just like in Tillamook County the bulk of STR's are in higher-end neighborhoods that offer quick proximity to community amenities sought by tourists and wealthy second homeowners alike. In these areas there are hundreds of homes that already did not qualify for STR's due to CCR and HOA regulations as well as the caps imposed by the City. The demand for these homes is still incredibly high regardless that they are not eligible for an STR permit, and they do not sell at a discount.

We see similar trends in areas of Bend that are closer to the median home price. HOA restrictions and the restrictions imposed by the city have had zero impact on house prices in these neighborhoods. This is partially because there are so few STR's located in median priced communities, mainly because these areas are not near the same luxury amenities that tourists and affluent primary and second home owners are attracted to. The few STR's that are rented out in median priced neighborhoods typically have poor occupancy rates which is why they make up just a fraction of a percent of the housing stock in more "affordable" neighborhoods.

Similar trends are present in Tillamook County when observing neighborhoods like Shorepine and Dory Pointe in Pacific City. Both neighborhoods are predominately second homes and STR's due to their location to amenities and typically sell between \$650K to \$900K. Prices far outside the realm of affordable housing. Since the moratorium was placed on STR permits back in July, several homes have sold in both communities that no longer qualify for STR permits. These homes did not drop significantly in price and still sold at prices that are multiple times higher than the median sales price of a home in Tillamook County. This is real-time evidence that these sales will not lead to a trickle-down effect on affordable and low-income housing.

This community will however see a massive impact to their economy if the latest proposals to repeal and replace Ordinance 84 are enacted, and it is prudent for County Commissioners to hire a 3rd party to perform an economic impact study on how this change will impact the economics of tourism before they attempt to repeal and replace the current ordinance.

Take our coastal home for example. Last year approximately 125 families/parties enjoyed our special home and the surrounding community of Pacific City. It is more than reasonable to think that each family/party spent \$1000 on their trip in Pacific City when accounting for food, restaurants, fuel, entertainment, etc. That means that just through their discretionary spending roughly \$125,000 circulated through the local community from our guests. If you conservatively assume that just half of the STR's in the county produce that same type of impact, then those 900 units would account for roughly \$112,500,000 in economic benefit to Tillamook county just in discretionary spending. This does not include any of the economic benefits realized from property management services, cleaners, maintenance employees, etc., or the tax revenues gained by the county.

If our house lost our permit. We would not sell it, nor would it become a long-term rental. We will hold it as a second home as I imagine the bulk of STR homeowners would do. This would mean massive economic losses as these homes sit vacant for most of the year with no economic benefit to the community. Those few homes that do go get sold due to the change will simply be picked up by affluent second homeowners and wealthy residents. This will not become long-term rentals, nor will they provide lower income/affordable housing options for those that rely on the domestic economy for employment.

If I were a resident with my employment immediately tied to any source of local employment (retail, tourism, grocery, restaurant, energy, etc.) I would be frightened that my career is in immediate jeopardy if this ordinance is repealed, and the current revision is passed. If I had a job that is not directly linked to these fields, I would still be concerned that the long-term trickle down negative economic effect would eventually hit my industry and profession.

The only permanent residents that will be winners in this scenario are those that are not part of the domestic workforce (i.e.. retirees, second homeowners and those working remotely). They will get to continue to live with their standard quality of life, and get to enjoy a quieter coastal community, while the rest of the community will face the

hardships of large-scale unemployment. Even this subset stands to eventually lose as depression kicks in, and the entire community takes turn for the worse.

It only makes sense that with this type of economic risk, the county commissioners would consider the long term and unintended consequences of making such a change. It seems prudent that they hire an independent economic consulting firm to perform an economic impact analysis before making such a consequential decision.

There is also a silver economic lining with STR's that I have not seen discussed. This option could both allow for coastal communities that have built resilient economies based on tourism to thrive, while making a significant impact on affordable housing. Any reduction in STR permits will result in an immediate reduction in the collection of short-term operating license revenue. I believe 75% of this fee directly goes to fund affordable/low-income housing projects in the community. Right now, this annual fee is fairly minimal.

The county commissioners could elect to substantially increase this annual fee. Imagine if the average annual fee paid by a STR operator was \$1,000? The county would collect an additional \$1,800,000 in fees, the majority of which would be for lower income housing/affordable housing projects each year. If at the same time, the Commissioners elected to shift the allocation of discretionary transient lodging tax dollars towards affordable housing, the community could see a measurable impact on affordable housing options within Tillamook County all funded by STR's and tourism.

The coastal economies have been devastated several times in the past half century due to increased environmental regulations in forestry and fishing industries. Commissioners should not risk putting your community through this type of hardship again. Many communities recovered by turning towards tourism as a way to rebuild, and reshape their way of life. Change is difficult, and comes at a price. As a resident of Bend there are things that I do not appreciate that come along with additional tourism and short-term rentals in my own town, however I understand that a large subset of our economy is built around this business model. I am fortunate that most of our local politicians and business owners agree, and still allow for a significant number of STR's to operate with sensible guardrails within our community. I would rather live with some of the annoyances and watch our community thrive, rather than take on all the negative outputs that crush communities when unemployment dramatically increases and depression kicks in.

It is time for the County Commissioners to do their full due diligence as fiduciaries for their community and constituents, and properly weigh the economic benefits offered by STR's and their financial potential to turn the tide on affordable housing, versus the relatively uncommon nuisance brought forth by increased tourist traffic and the occasional complaint.

I hope they make the right decision, rise above the politics, look at the hard facts, and properly evaluate these economic benefits before making a rash decision with potentially devastating consequences.

Thank you for listening

Ryan McGlone & Family

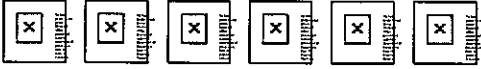
Ryan McGlone

Licensed Principal Broker in the State of Oregon
I EAB

Watch My Film

teammcglone.com

650 SW Bond St, Suite 100, Bend, OR 97702
ryan.mcglone@cascadesir.com
M: [541.647.2918](tel:541.647.2918) O: [541.383.7600](tel:541.383.7600) ext 150



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**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**

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(Authored by the NCAC Officers*)

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*Ran Koch-Chair, Tracey Hauth-Vice Chair, Chris Silkowski-Treasurer, Dave Benenth-Secretary

Short-Term Rental Ordinance

- 010.....Title
- 020.....Purpose and Scope
- 030.....Definitions
- 040.....Annual Short-term Rental Registration Certificate Required, Basic Requirements for a Registration Certificate, No Nonconforming Use Status Conferred
- 050.....Application and Fees
- 060.....Term of Annual Registration Certification and Renewal
- 070.....Application Required and Burden for Registration 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 Registered and Operating on the Date of its Adoption
- 120.....Violations
- 130.....Penalties
- 140.....Appeals of County Decisions Regarding Short-Term Rentals
- 150.....Severability

.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 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 registration 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. ~~Provide long-term residential options for those people who want to live and work in Tillamook County.~~

45. 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.

~~56. Help maintain the County's supply of housing available for long-term residential use. 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.~~

~~67. 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.~~ 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 registration certificate is revocable permission to operate a short-term rental, but only as provided in this Ordinance. A registration certificate 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 rules 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 rules 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 registration certificate.

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). If the room is intended for overnight occupancy by more than one person, it must have at least 50 square feet of floor area per person
- Consists of four walls to the ceiling, at least one of which is located along an exterior wall with a window
- A minimum ceiling height of not less than 7 feet (ORSC R305.1)
- An emergency escape and rescue opening (ORSC R310)
- A built-in closet
- A smoke alarm (ORSC R314.3 item 1)
- A carbon monoxide detector (ORSC R315.3)
- 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 if designated on the registration application, the authorized agent of the owner, authorized to act for the owner of the rental.
- 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 10:00am 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. "Dwelling unit" does not include a 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 Registration Certificate, 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 Registration Certificate; 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. "Non-transient rental" means to rent a dwelling unit or room(s) for compensation on a month-to-month or longer basis.

- Q. “Onsite Wastewater Division” means the Onsite Wastewater Division of the Department of Community Development.
- R. “Onsite Wastewater Treatment System” means any existing treatment and dispersal system of residential wastewater.
- S. “Owner” means 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 a ~~present~~ interest in that business shall be considered an owner for purposes of this Ordinance.
- T. “Registrant” means the owner of a dwelling unit who holds a Short-Term Rental Registration Certificate.
- U. “Renter” means a person who rents a short-term rental or is an occupant in the short-term rental. Renter includes the term “tenant”.
- V. “Road Authority” means the Tillamook County Public Works Department and the Oregon Department of Transportation (ODOT).
- W. “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".
- X. “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.
- Y. “Short-Term Rental” or “STR” means the transient rental of a dwelling unit for a period of 30 or fewer nights per calendar year 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.
- Z. “Short-Term Rental Registration Certificate” means the annual registration certificate required by Section .040, described in this Ordinance, and referred to as a “registration certificate.”
- AA. “STR 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.

- BB. “Subject Property” means the property on which the short-term rental is located.
- CC. “Transfer” means 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.
- DD. “Transient rental” means to rent a dwelling unit for compensation on a less than a month-to-month basis.
- EE. “Vacation Home Rental” means the transient rental of an entire dwelling unit.
- 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 Registration Certificate Required, Basic Requirements for Registration, 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 Registration Certificate. “Advertise or offer” includes through any media, whether written, electronic, web-based, digital, mobile, print media or any other form of communication.

- A. *Certificate Must Be Obtained.* A Short-Term Rental Registration Certificate shall be obtained and renewed as prescribed in this Ordinance before a dwelling unit may be offered, advertised or used as a short-term rental. The permission to operate a short-term rental in unincorporated Tillamook County that is embodied in a registration certificate may be revoked for failure to obtain, renew or maintain registration, to operate a short-term rental in accordance with all requirements of the registration certificate, 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 registration certificate.
- B. *No Nonconforming Status Conferred.* The fact that an owner of property or other entity may hold a registration certificate 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 registration certificate.

~~6. Cap on Number of STR Registration Certificates In Effect for Unincorporated Communities and Properties within City Urban Growth Boundaries. The County has established a limit on the number of STR Registration Certificates that can be in effect at any one time for defined residential subareas within Tillamook County. If at the time of registration application for a new or renewed STR registration certificate, there is not room within the applicable subarea cap to accommodate the new or renewed STR registration certificate, the application will be denied, but the applicant will be placed on a waiting list in order of rejection/non-renewal and will be contacted by the STR Administrator as soon~~

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~~as there is room within (under) the applicable subarea cap to accommodate the new/renewed STR registration certificate.~~

~~D. *Density Limitation on STR Registration Certificates In Locations Outside Unincorporated Community Boundaries and City Urban Growth Boundaries.* The County will not issue or renew a STR registration certificate if, at the time of application, there is a valid and registered STR operating on a property within 250 feet (closest property boundary to closest property boundary) 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.~~

.050 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 Registration Certificate 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 a local representative, which can be a person or company – a Qualified Local Contact Person – who can be contacted concerning use of the property or complaints related to the short-term rental, as set forth in Section .070. For the purposes of this requirement, "local" means the representative's is within a 20-minute travel time of the subject property where the short-term rental is located.
 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.
 6. *Notice to Neighbors.* The applicant shall provide an annual mailing or distribute by hand, a flier to owners and residents of neighboring properties within 250 feet of the perimeter of the rental property containing the registration certificate number, 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.

7. *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.
 8. *Transient Lodging Tax Registration.* Evidence of transient lodging tax registration with the County for the short-term rental.
 9. *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.
 10. 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 registration certificate or registration 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 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 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 registration 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 withdrawn and the County may refund all or a portion of the application fee.
- D. *Registration Fees.* The fee for application for a short-term rental registration certificate or registration certificate 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. After the inspection and the County's STR Administrator has confirmed the number of bedrooms exceeds the number indicated on the application, a fee of not less than \$75 per bedroom shall be due before the County issues the short-term rental registration certificate for the dwelling unit.
5. Any alteration to an existing Short-Term Rental Registration Certificate shall be subject to a registration certificate alteration fee of not less than \$50.

.060 Term of Annual Registration Certification and Renewal

- A. *Term.* A short-term rental registration certificate 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 or property ownership status changes during the 12-month registration certification period, the new property owner shall timely notify the County in writing of the change and provide all new contact and tax payment information.
- B. *Transferability.* The registration certificate shall be issued in the name of the short-term rental property owner(s) and is transferable to another person or entity, but the new owners must still renew the registration certification annually and qualify according to the applicable standards for renewal.

.070 Application Required and Burden for Application Approval and Registration Renewal

- A. *Application Required.* Applications for a Short-Term Rental Registration Certificate 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 Registration Certificate. 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 all-weather travel surface off-street parking space shall be provided for every bedroom in the dwelling unit. In calculating the number of spaces required, the total shall be rounded up. 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 registration certificate renewal to show the garage is available and large enough for vehicle parking. 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 Registration Certificate.
 2. Vegetation removal in the front yard shall be the minimum necessary to create and maintain the required parking spaces.
 3. Each parking space shall be a minimum of 8-feet by 20-feet. Parking spaces shall be oriented on the subject property in a manner that ensures maneuverability of vehicles within the property boundaries.
 4. No more than one (1) vehicle per bedroom shall be allowed for each STR. Two (2) additional parking spaces may be allowed for daytime guests. On-street parking is prohibited.
 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 require all renters to use the off-street parking 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. *Registration Approval and Annual Renewal Criteria.* To receive approval, registration certificate renewal, or maintain registration certification, an applicant must demonstrate with a preponderance of credible relevant evidence that all of the criteria in Section .080 are satisfied.
- G. *Initial and Every Third Year Renewal Inspections.* To merit approval of an initial (first year) Short-Term Rental Registration Certificate 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 registration certification, 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 Registration Certificate.

- A. *Maximum Occupancy.* The maximum overnight 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 overnight occupancy of six (6) people. The contact person may allow up to two (2) minor 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 physical inspection of the short-term rental and using County Assessor and/or Department Building Division records.
- B. Maximum overnight occupancy of a rental shall not exceed 10 (ten) persons within the short-term rental dwelling unit and up to two (2) minors aged twelve (12) and under.
- C. The owner of an “Estate Home” shall be exempt from subsection (B) of this section to allow for up to two (2) additional bedrooms with no more than two (2) persons for each additional bedroom. Exemption shall allow for a maximum overnight occupancy of fourteen (14) persons. The contact person may allow up to two (2) minor children, age 12 or under, to occupy the short-term rental in addition to the maximum number of occupants otherwise provided in this Subsection.
- D. The maximum daytime occupancy for any short-term rental shall be limited to the overnight maximum occupancy plus six (6) additional people. For example, a two-bedroom dwelling unit is permitted 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 the 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 satisfy this requirement. Where registration certification 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 Registration Certificate.
- F. *Noise.* Any radio receiver, musical instrument, phonograph, loudspeaker, sound amplifier, or any machine or device for the producing or reproducing of any sound shall be conducted within a fully enclosed short-term rental dwelling unit and shall not be audible beyond the property lines of the subject property where the short-term rental is located.

- G. *Quiet Hours.* The hours of 10:00p.m. to 7:00a.m. are quiet hours, and there shall be no amplified music and no loud singing, talking or other audible noise during quiet hours that can be heard beyond the property boundaries of the short-term rental property.
- 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 registered short-term rental shall be fully permitted and all work completed by a licensed and duly qualified contractor. 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 utilized as part of the short-term rental.
- 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~~ 20 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 registration certification, but only by revising the registration 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 20 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 registration application and renewal. The contact person shall be responsible for completing the fire safety checklist and ensuring continued compliance. The County shall verify the information required prior to issuance of a Short-Term Rental Registration Certificate 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. Every bedroom shall have a smoke detector that is interconnected with a smoke detector in an adjacent hallway, common area, or in the immediate area of bedroom. Additionally, an interconnected smoke detector shall be placed on each additional floor and basement without a sleeping area. Interconnected may be via hardwiring or battery-operated wireless interconnectable smoke detectors.
 6. A carbon monoxide detector/alarm device shall be placed and maintained in each bedroom or 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 hand rail.
 9. All interior and exterior guardrails, such as deck railings, shall be able to withstand a 200 pound impact force.
 10. Exterior lighting shall be directed in a downward direction to prevent glare onto adjacent properties.
- 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 sleeping area 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

~~covered~~ garbage containers with securable covers that can be secured 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. *Mandatory Postings- Interior and Exterior.* The Short-Term Rental Registration Certificate 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 ~~and at the property's boundary at the front of the dwelling unit where it is visible and readable by anyone in the road right-of-way.~~ Additionally, ~~the owner shall post exterior signage shall be installed a placard inside the short term rental dwelling unit at the front door and~~ outside of the dwelling unit at the property line where it can ~~and shall be of adequate size so that it is easily~~ be read by people in the road right-of-way. Exterior signage shall ~~that~~ contains the following information:

1. The Short-Term Rental registration number ~~that confirms to confirm the a~~ certificate ~~is has been~~ issued by Tillamook County, with the date of expiration.
2. ~~The name of the property owner and the contact person and a telephone number where the contact person may be contacted in case of any problems at, or complaints about, the short term rental; 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 number of approved ~~maximum~~ parking spaces ~~and their location(s);~~
4. The number of bedrooms and maximum occupancy permitted for the short-term rental;
5. Any required information and conditions specific to the Short-Term Rental Registration Certificate;

~~6. Day of week of trash pickup;~~

6. The property address.

7. The name of the contact person and a telephone number.

~~7.~~

O. No recreational vehicle, travel trailer, or tent or other temporary shelter shall be used as or in conjunction with a short-term rental. No occupancy of a parked vehicle, including recreational vehicles is permitted in conjunction with a short-term rental.

P. 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.

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Q. 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, and provide copies to all short-term rental renters:

Good Neighbor Policy:

Commitment to Community: We share our Expectations of Conduct with guests in multiple ways: on our website, at time of booking, and upon arrival. These are enforceable standards required by the local jurisdiction. We think it's good information for residents, too! Here are a few examples:

- Neighbors & Noise - The neighborhood general quiet hours are from 10 pm to 7 am.
- Parking - Parked vehicles may not block driveways or emergency vehicle access lanes; Obstructed access means delays, and delays could cost someone's life. Park smart.
- Speed Limits - Be mindful of posted speed limits. If you're not sure, slow down.
- Garbage - All garbage will be put in the provided secure containers and will be picked up by a local franchised hauler at least once a week. Did you know it is a crime to put garbage into a can that is not for your home?
- RVs - Occupied trailers and tents are not allowed on the premises at any time.
- Pets - Leash your pet unless you are in a clearly defined off leash area. Also, clean up after them. "It's your duty to pick up your pet's waste!"
- Fires - Fires are only allowed in designated areas and should never be left unattended.
- Fireworks - The State Fire Marshall says, "Keep it legal and keep it safe!" Fireworks are illegal in residential areas and prohibited on all of our beaches.
- Drones - Be mindful of where you are flying, and respectful of private property and wildlife.
- Extras during COVID - We ask our guests: "In the last 14 days, has anyone in your party: 1) Been tested for COVID, 2) Tested positive for COVID, and 3) Exhibited symptoms of COVID?" We encourage social distancing and offer contactless check-in & check-out.

.090 Additional Inspections Required. To merit approval of an initial (first year) Short-Term Rental Registration Certificate 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 Registration Certificate 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 registration 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.
 - 1. 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 3 years of the date of the registration 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 the ESER or within the specified timeframe for completion of the reinspection as specified in subsection B above, whichever occurs first. Registration certification shall not be issued or renewed 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, registration certification shall be revoked.
 - 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, 2023. 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 Registration Certificate. The Onsite Wastewater Division is the delegated authority to adopt 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 the Unincorporated Tillamook County.

- A. *Advertising and 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 twenty (20) 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 Registration Certificate, 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.* ~~Examples of events include, but are not limited to, organizational meetings, company retreats, wedding ceremonies, rehearsal dinners, family reunions, anniversary or birthday parties etc. Events where an approved Temporary Use Permit has been issued by the Department of Community Development are exempt from this prohibition.~~ 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 Registered and Certified on the Date of its Adoption. All new/initial Short-Term Rental Registration Certificates 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, registered and operating on the date of adoption of this Ordinance (Lawful Pre-Existing Short-Term Rentals).

A. *Lawful Pre-existing Short-Term Rentals.* To qualify as a Lawful Pre-Existing Short-Term Rental, the property owner must be able to demonstrate the following with credible evidence to the satisfaction of the County's STR Administrator:

1. The short-term rental operator had a County-issued registration certificate during the 12 months preceding adoption of this Ordinance.
2. Proof the short-term rental has been rented during the 12 months preceding adoption of this Ordinance for a verifiable number of nights.
3. The short-term rental owner paid the County's Transient Room Tax during the 12 months preceding adoption of this Ordinance for a verifiable number of nights.
4. The short-term rental owner paid the County's Short-Term Rental Operator License Fee during the 12 months preceding adoption of this Ordinance.

B. ~~Deferred Compliance with Some STR Requirements for Renewal of Lawful Pre-existing STRs.~~ Lawful Pre-existing STRs, as defined in this section, shall be subject to and comply with all of the operational requirements in this Ordinance except for the following:

1. ~~New application or renewal precluded due to the subarea cap.~~ The subarea caps limitation in Section 040(C) shall not apply to the first 5 registration renewals for

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~~Lawful Pre-Existing STR following adoption of this Ordinance. Registrants must still renew their registration annually but will not be denied due to the subarea cap during the first 5 renewals. Thereafter, all applicants for a new or renewed STR registration shall be subject to the applicable subarea cap.~~

~~2. *New application or renewal precluded due to 250 foot density limit.* The 250 foot minimum separation density requirement in Section .040(D) shall not apply to the first 5 registration renewals for a Lawful Pre-Existing STR following adoption of this Ordinance. Registrants must still renew their registration annually but will not be denied due to there being an active registered STR property within 250 feet the applicant's property. Thereafter, all applicants for a new or renewed STR registration shall be subject to the applicable 250 foot minimum separation distance between registered STRs.~~

C. *Compensation for Reasonable Investment in a Dwelling Unit as a Short-Term Rental.*
When the operation of a short-term rental must be curtailed or eliminated as a result of this Ordinance.

1. The 5-year deferred compliance (amortization period) provided for in this section for Lawful Pre-existing Short-Term Rentals shall be deemed just compensation for any reasonable investment that the property owners may have made in the dwelling unit for its use as a short-term rental that cannot otherwise be recouped, through use of the dwelling unit for long-term residential tenancy. In the event that an owner deems the amortization period provided for herein to be insufficient compensation to recoup his or her reasonable investment in the property's actual use as a lawful short-term rental (*i.e.*, hosted homeshare or vacation home rental) or imposition of these regulations results in a demonstrable reduction in the property's fair market value, such a property owner shall apply for additional compensation from the County pursuant to this section.
2. To seek additional compensation, the property owner shall submit a written claim for additional compensation with the County's STR Administrator within 90 days after the adoption of this Ordinance. In such claim, the property owner shall provide documentation of the owner's reasonable investments in the property exclusively for its use as a transient rental that exceed the value that can be recouped from continued transient rental use of the property for the amortization period and which cannot be put to any other economically viable use of the property. The property owner's burden of proof requires credible evidence that this Ordinance caused a reduction in fair market value of the property as a lawful short-term transient rental as compared to use of the property for long-term tenancy that cannot be recouped by the amortization period provided in this section. For purposes of this section, "credible evidence" means a professional real estate appraisal of the property's value with and without the regulations in this Ordinance, less the rental value derived from the 5-year amortization period for herein. If the property owner is able to demonstrate that application of this Ordinance resulted in a loss in property value that cannot be recouped through the amortization period provided for herein, the County STR

Administrator may provide additional compensation in a form and amount of the Administrator's choosing based upon the evidence.

3. The property owner may appeal any such final determination pursuant to Section .140.

.120 Violations. In addition to complaints related to nuisance and noise and other violations of ordinances the Tillamook County Code, 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 Registration Certificate.
- 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 Registration Certificate 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 Registration Certificate.

.130 Penalties. Xx

- 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 Registration Certificate and cessation of use of the dwelling unit for short-term tenancy:

1. Failure to renew a Short-Term Rental Registration Certificate as required by Section .060 while continuing to operate a short-term rental.
2. Receipt by the County of 3 or more unresolved complaints about the short-term rental within a 12-month period alleging violations of the requirements of this Ordinance.
3. The discovery of material misstatements or that the registration application included false information for a Short-Term Rental Registration Certificate or renewal shall be grounds for immediate revocation of the certificate.
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 certificate.
5. Upon an emergency suspension or revocation of a Short-Term Rental Registration Certificate 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 Registration Certificate 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 or revoking a Short-Term Rental Registration Certificate may be challenged, if at all, only pursuant to this section. This includes a decision by the County's STR Administrator made pursuant to Section .110 regarding a Lawful Pre-Existing Short-Term Rental.

- A. *Filing Requirements – Notice.* The property owner or authorized agent may appeal a decision to approve, renew, deny or revoke a Short-Term Rental Registration Certificate, including any decision related to a Lawful Pre-Existing Short-Term Rentals under Section .110.
- 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 registration application, registration 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 by resolution a fee for filing an appeal 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, 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 Registration Certificate, 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 Registration Certificate, operation of the short-term rental may continue under the Short-Term Rental Registration Certificate.
- 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.



Land of Cheese, Trees and Ocean Breeze

MEMO

Date: March 8, 2023
To: Tillamook County Short-Term Rental Advisory Committee
From: Sarah Absher, CFM, Director
Subject: March 14, 2023, Meeting Materials

Attached to this memorandum are copies of the following:

- March 14th STR Advisory Committee Meeting Agenda
- Updated Ordinance 84 draft to reflect committee action at the February 14, 2023, meeting.
- Public Comments
 - Due to the volume of comments recently received, comment type summary will be distributed at March 14, 2023 meeting.

Virtual Link for Public Meetings

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

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

Public comment is limited to 3-minutes per person. Please email Lynn Tone, DCD Office Specialist, if you would like to provide public testimony at the end of the meeting.

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

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

Access to STR Advisory Committee Page & Meeting Materials:

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

The Tillamook County STR Advisory Committee meets the second Tuesday of each month. Please check the STR Advisory Committee page to remain current on committee process and committee updates.

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.

March 14, 2023, Meeting Agenda

Time: 9:30am-2:30pm

Topic

Welcome & Introductions

Continuation of Discussion Ordinance 84 Draft Revisions

Break

Continuation of Discussion Ordinance 84 Draft Revisions

Discussion of April Agenda & Meeting Date Availability

Public Comment

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February 17, 2023

VIA FIRST CLASS MAIL

William K. Sargent
Tillamook County Counsel
Tillamook County Courthouse
201 Laurel Avenue
Tillamook OR 97141

Re: Tillamook County Short Term Rentals

Dear Mr. Sargent:

Our firm represents a community organization called Oregon Coast Hosts (OCH) that was formed to advocate for fair short term rental (STR) regulation in unincorporated Tillamook County. Our firm has extensive experience working with county government, including county counsel, to negotiate sensitive and polarizing land-use issues like STR ordinances, and we look forward to getting to know you better and helping you and the County reach a legal and balanced approach in the months ahead.

We write briefly because it has come to our attention that the County's advisory committee responsible for establishing new STR regulations (the "Advisory Committee") was presented last month with a draft ordinance that, if adopted, would be an illegal violation of private property rights in numerous ways. Most notably, the draft ordinance suffers from the same defects as a Lincoln County ballot measure that the Land Use Board of Appeals ("LUBA") recently struck down in *Briggs v Lincoln County*, discussed here and attached as Exhibit 1 to this letter for your reference. Specifically, the *Briggs* court held that under ORS 215.130(5),¹

¹ The statute provides in full:

The lawful use of any building, structure or land at the time of the enactment or amendment of any zoning ordinance or regulation may be continued. Alteration of any such use may be permitted subject to subsection (9) of this section. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS 215.215, a county shall not place conditions upon the continuation or alteration of a use

existing STR permits in Lincoln County were legal non-conforming uses that could not be terminated, restricted or made non-transferable by local legislative action. The draft Tillamook County ordinance contains similar provisions that would likewise be struck down.

Rather, as you know, all current STR permit holders must be grandfathered in under any new ordinance. Any ordinance that limits or removes their property rights in their permits will be subject to Measure 49 compensation from the County for every owner impacted.

Given the current draft ordinance,² we have serious concerns that the Advisory Committee will recommend an ordinance that plainly violates STR permit-holders' property rights, which will mean the entire process has been a waste of time and may lead the County down the costly path of litigation. We urge you to consider participating with the Advisory Committee directly, or to provide the Advisory Committee with different avenues to receive more diverse legal opinions than they are currently receiving, so that the ordinance passed out of the Advisory Committee is fair and legal.

We are available to discuss these or any other issues related to STRs in Tillamook County at your convenience.

Sincerely,



David J. Petersen



Danny Newman

DN/m_h

Enclosure

cc: Daniel Kearns
OCH Board of Directors

043463\00003\16034125v1

described under this subsection when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted.

² It appears Advisory Committee leaders tried to distance themselves from certain troubling provisions in the draft ordinance at the meeting on February 14, which indicates there is not unanimous support for all of the illegal aspects, but our concerns remain.

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

PETER BRIGGS, RICHARD E. CAVE, JANE C. GIBBONS,
CRAIG MCCLANAHAN, KATHERINE GUPTILL, KEN GUPTILL,
JULIE D. READING, JANE M. FITZPATRICK, MITCHELL MOORE,
GARY WESKE, LINDA FENDER, DARRELL FENDER,
DOUGLAS PALMER, JAYNE PALMER, OLENA STROZHENKO,
JOHN OSTYN, MARY OSTYN, NADINE SCOTT,
JERRY MERRITT, and LORIN J. LYNCH,

Petitioners,

vs.

LINCOLN COUNTY,
Respondent,

and

MONICA KIRK and MICHELE RILEY,
Intervenors-Respondents.

LUBA No. 2021-118

JUDY CAMMANN, JOHN BLACKBURN,
LAURI HINES, and PETER PREHN,
Petitioners,

vs.

LINCOLN COUNTY,
Respondent,

and

MONICA KIRK and MICHELE RILEY,
Intervenors-Respondents.

2
3 FINAL OPINION
4 AND ORDER
5

6 Appeal from Lincoln County.
7

8 Steve Berman filed a joint petition for review on behalf of petitioners Judy
9 Cammann, John Blackburn, Lauri Hines, and Peter Prehn. Also on brief was
10 Lydia Anderson-Dana and Stoll Stoll Berne Lokting & Schlachter, P.C. Steve
11 Berman and Lydia Anderson-Dana argued on behalf of petitioners.
12

13 Heather A. Brann filed a joint petition for review on behalf of petitioners
14 Peter Briggs, Richard E. Cave, Jane C. Gibbons, Craig McClanahan, Katherine
15 Guphill, Ken Guphill, Julie D. Reading, Jane M. Fitzpatrick, Mitchell Moore, Gary
16 Weske, Linda Fender, Darrell Fender, Douglas Palmer, Jayne Palmer, Olena
17 Strozhenko, John Ostyn, Mary Ostyn, Nadine Scott, Jerry Merritt, and Lorin J.
18 Lynch. Also on brief was Dean N. Alterman, Alterman Law Group P.C., and
19 Heather A. Brann P.C. Heather A. Brann argued on behalf of petitioners.
20

21 Christopher D. Crean filed the response brief. Also on brief was Emily
22 Matasar and Beery, Elsner & Hammond, LLP. Christopher D. Crean and Emily
23 Matasar argued on behalf of respondent.
24

25 Daniel H. Kearns filed the intervenors-respondents' brief and argued on
26 behalf of intervenors-respondents. Also on brief was Reeve Kearns, PC.
27

28 RUDD, Board Member; ZAMUDIO, Board Chair; RYAN, Board
29 Member, participated in the decision.
30

31 REVERSED

08/08/2022

32
33 You are entitled to judicial review of this Order. Judicial review is
34 governed by the provisions of ORS 197.850.

NATURE OF THE DECISION

The decision challenged in these appeals is a county ballot measure addressing short term rentals (STRs), which was approved by voters on November 2, 2021, and certified by the county as final on November 19, 2021.

BACKGROUND

Lincoln County Code (LCC) chapter 4 “Business Regulation” has included licensing and operational regulations applicable to STRs since 2016 (STR Regulations). In November 2021, county voters approved and the county certified Ballot Measure (BM) 21-203, a ballot measure making changes and additions to the STR Regulations. BM 21-203 is the subject of these appeals.

BM 21-203 amends the findings and purpose statement of the STR Regulations to add references to three county residential zoning districts, as well as the county’s comprehensive plan. Specifically, BM 21-203 amends LCC 4.405 by adding a new subsection to the purpose statement explaining:

“The people of Lincoln County find that within low density residential zones R-1-A, R-1 and R-2, a major purpose of these provisions is to control, manage and limit vacation rentals in single-family dwellings to protect the character of neighborhoods for residents. Because of their location in said residential zones and their specific characteristics and potential impacts, [STRs] in dwellings in unincorporated Lincoln County require special consideration so they properly operate with respect to the Comprehensive Plan and the objectives of the underlying zone districts.” Record 1.

1 BM 21-203 includes a variety of substantive changes and additions to the STR
2 Regulations, including expanding the definition of “short term rental,” found at
3 LCC 4.415(16), to add the bolded language

4 “the **transient** renting of a dwelling unit (including any accessory
5 guest house on the same property) to any person(s) on a day to day
6 basis or for a period of up to thirty (30) consecutive nights. **Short**
7 **term rentals are deemed commercial lodging businesses**
8 **equivalent to hotels and motels. They are not residential uses.”**
9 Record 3 (boldface in original).

10 Petitioners in *Briggs v. Lincoln County*, LUBA No. 2021-118, appealed
11 BM 21-203 to LUBA. The *Camman* petitioners filed a challenge to BM 21-203
12 in circuit court. On March 15, 2022, the circuit court determined that BM 21-203
13 is a land use decision subject to our jurisdiction, and transferred the *Camman*
14 matter to LUBA. We assigned the *Camman* appeal LUBA No. 2022-030. On
15 April 19, 2022, we issued our order consolidating these appeals.

16 Intervenors filed a motion requesting that we dismiss the appeals on the
17 grounds that BM 21-203 is not a land use decision. On May 17, 2022, we issued
18 our order denying the motion to dismiss. In our May 17, 2022 order, we stated
19 that the record in this appeal was that which was transmitted to LUBA on January
20 6, 2022 and that objections to the record must be filed within 14 days of May 17,
21 2022. No objections to the record were filed and the appeals proceeded to briefing
22 on the merits.

23 We resolve the pending motions and the appeals below.

1 **MOTIONS**

2 **A. Motion to Strike**

3 ORS 197.835(2) provides:

4 “(a) Review of a decision under ORS 197.830 to 197.845 shall be
5 confined to the record.

6 “(b) In the case of disputed allegations of standing,
7 unconstitutionality of the decision, ex parte contacts, actions
8 described in subsection (10)(a)(B) of this section or other
9 procedural irregularities not shown in the record that, if
10 proved, would warrant reversal or remand, the board may take
11 evidence and make findings of fact on those allegations. The
12 board shall be bound by any finding of fact of the local
13 government, special district or state agency for which there is
14 substantial evidence in the whole record.”

15 The county moves to strike from the petition for review references to and
16 arguments relying upon documents and evidence which are not part of the record.
17 Specifically, the county moves to strike references to and reliance on (1) a
18 November 16, 2020 memorandum from former county counsel to the board of
19 commissioners opining on the legality of BM 21-203; (2) statements by former
20 county counsel on the legality of BM 21-203 at a public meeting; (3) comments
21 concerning BM 21-203 made by a county commissioner during a public meeting;
22 and (4) declarations by petitioners alleging BM 21-203 impacts on existing STR
23 contracts.¹

¹ The disputed materials are the former county counsel memorandum, a
hyperlink to a YouTube video of a county board of commissioners meeting,

1 In response to the motion to strike, petitioners argue broadly

2 “Respondent seeks an order from the Board striking portions of
3 Petitioners’ Petition for Review that refer to several publicly
4 available documents that have been known to all parties in this
5 matter and included in the prior circuit court record since the
6 beginning of this litigation. Because Respondent has placed the
7 evidence it seeks to have stricken into question by disputing factual
8 allegations concerning ‘the unconstitutionality of the decision’ in its
9 Response Brief, and the Measure is a citizen-drafted initiative that
10 was debated at length by the Lincoln County Board of
11 Commissioners and the County’s attorney prior to passage,
12 Petitioners urge the Board to deny Respondent’s Motion to Strike.”
13 Response to Motion to Strike 2.

14 In the alternative, petitioners filed motions to take evidence and official notice
15 requesting that we consider the disputed materials. Response to Motion to Strike
16 2-3. Petitioners request that, if we grant the motion to strike, we also

17 “disregard any statements in Respondent’s and Intervenors’ briefs
18 regarding evidence outside of the record submitted by Respondent.
19 *See, e.g.*, Response Brief of Intervenors Monica Kirk and Michele
20 Riley at 4 (referring to ‘a grassroots, neighbor-driven effort’ to
21 circulate petitions; the Board of Commissioners’ alleged ‘effort to
22 stifle support for the Measure’ by adopting ‘a competing set of STR
23 regulations as Ordinance 523 on October 27, 2021 – less than one
24 week before election day’ and the election results, none of which is
25 found in the record).” Response to Motion to Strike 8.

26 We agree with the parties that the identified documents and related assertions by
27 all parties to this matter are not part of the record before us and we grant the
28 motion to strike.

minutes from a county board of commissioners meeting, and declarations filed
by *Camman* petitioners in circuit court and with their motion for stay.

1 **B. Motion to Take Evidence**

2 OAR 661-010-0045(1) provides:

3 “The Board may, upon written motion, take evidence not in the
4 record in the case of disputed factual allegations in the parties’ briefs
5 concerning unconstitutionality of the decision, standing, ex parte
6 contacts, actions for the purpose of avoiding the requirements of
7 ORS 215.427 or 227.178, or other procedural irregularities not
8 shown in the record and which, if proved, would warrant reversal or
9 remand of the decision. The Board may also upon motion or at its
10 discretion take evidence to resolve disputes regarding the content of
11 the record, requests for stays, attorney fees, or actual damages under
12 ORS 197.845.”

13 Petitioners ask that we take as evidence statements made by a county
14 commissioner and former county counsel concerning BM 21-203. *See* n 1.

15 Petitioners’ motion is not well developed. Our rules require that motions
16 to take evidence include “a statement explaining with particularity what facts the
17 moving party seeks to establish, how those facts pertain to the grounds to take
18 evidence specified in section (1) of this rule, and how those facts will affect the
19 outcome of the review proceeding.” OAR 661-010-0045(2)(a). Petitioners argue
20 that we may take the requested items as evidence because they relate to disputed
21 factual allegations in the parties’ briefs concerning the unconstitutionality of the
22 decision but do not state with specificity what facts they seek to establish.
23 Response to Motion to Strike 9.

24 We assume petitioners’ alleged “disputed factual allegation” relates in part
25 to an argument in their response to the motion to strike concerning what voters

1 intended to accomplish with the measure. Petitioners maintain in their response
2 to the motion to strike:

3 “Respondent argues that ‘[i]t is clear from the text, context and
4 legislative history of the Measure that the voters intended the STR
5 licensing provisions in the Measure to apply only in unincorporated
6 areas of Lincoln County and it thus complies with ORS 203.040.’
7 Respondent Lincoln County’s Response Brief at 15. But this
8 argument is misplaced, given that the Lincoln County
9 Commissioners had actual knowledge that voters were confused
10 about the reach of the Measure prior to the election, as noted in the
11 evidence Respondent seeks to have stricken.” Response to Motion
12 to Strike 5-6.

13 Petitioners have not identified a factual dispute, that is, that the county disputes
14 that a county commissioner *thought* voters *might* be confused or that the former
15 county counsel *believed* the measure was legally vulnerable. Further, petitioners
16 have not explained how these facts affect the outcome of this proceeding.

17 The motion to take the county counsel’s and county commissioner’s
18 comments and written opinion as evidence is denied.

19 Petitioners also argue that the ballot measure impairs their contracts in
20 violation of a state constitutional provision, and that the fact of impairment is
21 disputed by the respondent when they argue:

22 “[t]here is no evidence in the record that the Measure impairs
23 contractual obligations in violation of Article I, section 21 of
24 Oregon’s constitution.’ Respondent Lincoln County’s Response
25 Brief at 2. The evidence submitted by Petitioners directly addresses
26 these constitutional allegations.” Response to Motion to Strike 7.

1 Respondent states that there is no evidence in the record that petitioners’
2 contracts are impaired. Petitioners do not argue that the record contains evidence
3 relating to their contracts. Petitioners argue that respondent disputes that their
4 contractual obligations are impaired, necessitating consideration of the
5 declarations. Petitioners do not explain how the declarations they wish to have
6 admitted affect the outcome of this proceeding. Copies of contracts were not
7 proffered but petitioners maintain in their joint petition for review

8 “Petitioners have existing rental agreements throughout this year
9 that will be impaired by the Measure’s provisions that make their
10 existing rental agreements at the previously acceptable higher
11 occupancy rates unlawful and that require those Petitioners with
12 multiple short-term rental licenses to cease rentals at one or more of
13 their properties.” Joint Petition for Review at 32-33.

14 The declarations each contain similar language and do not state that contracts *will*
15 be impaired but rather that they *may* be impaired. For example, the Blackburn
16 declaration includes statements that:

17 “5. My properties have current occupancy limits of 10 and 12
18 people. It is my understanding that the *current occupancy of*
19 *my properties could be reduced if the Measure is allowed to*
20 *go into effect, which may impair current rental contracts I*
21 *have.*

22 “6. I recently updated my properties’ septic systems, in 2018 and
23 2020. It is my understanding that the septic systems of my
24 *properties could have to be updated if the Measure is allowed*
25 *to go into effect, which may impair current rental contracts I*
26 *have.*

27 “7. As stated above, I have two properties in unincorporated
28 Lincoln County. It is my understanding that *I may not be able*

1 *to rent both of my properties* if the Measure is allowed to go
2 into effect, which would require cancellation of upcoming
3 rental agreements and greatly impact my income.” Response
4 to Motion to Strike Ex C, at 2 (emphases added.)

5 The declarations are, at best, speculative assertions that unidentified contracts
6 may be impaired by the ballot measure. The declarations do not establish as a
7 matter of fact that any contract will be impaired. Accordingly, the declarations
8 do not evidence any fact that will affect the outcome of this appeal. The motion
9 to take them as evidence is denied.

10 **C. Motion for Official Notice**

11 Petitioners also request that we take official notice of the legal
12 memorandum and statements by county counsel and the county commissioner
13 pursuant to ORS 40.090(2). We will take official notice of “[p]ublic and private
14 official acts of the legislative, executive and judicial departments of this state, the
15 United States, any federally recognized American Indian tribal government and
16 any other state, territory or other jurisdiction of the United States.” ORS
17 40.090(2). We agree with the county that the written and verbal opinions of the
18 county counsel and a county commissioner are not official acts of a legislative,
19 executive or judicial department of the state or otherwise within the scope of ORS
20 40.090(2) and are not subject to official notice.

21 **D. Conclusion**

22 The motion to strike is granted. The motions to take evidence and for
23 official notice are denied.

1 **FIRST AND THIRD ASSIGNMENTS OF ERROR**

2 **A. Introduction**

3 ORS 215.130(5) provides:

4 “The lawful use of any building, structure or land at the time of the
5 enactment or amendment of any zoning ordinance or regulation may
6 be continued. Alteration of any such use may be permitted subject
7 to subsection (9) of this section. Alteration of any such use shall be
8 permitted when necessary to comply with any lawful requirement
9 for alteration in the use. Except as provided in ORS 215.215, a
10 county shall not place conditions upon the continuation or alteration
11 of a use described under this subsection when necessary to comply
12 with state or local health or safety requirements, or to maintain in
13 good repair the existing structures associated with the use. A change
14 of ownership or occupancy shall be permitted.”

15 Petitioners argue in their first assignment of error’s first subassignment of error
16 that BM 21-203 violates ORS 215.130(5) because it requires that a previously
17 lawful use be phased out in five years, does not allow transfer of the use to
18 another, and imposes septic and occupancy restrictions. Lincoln County’s code
19 allows and regulates the continuation of nonconforming uses. LCC 1.701. We
20 assume for purposes of this decision, and particularly our application of ORS
21 215.130(5), that BM 21-203 accurately categorizes STRs as nonconforming uses
22 as that term is used in ORS 215.130(5). *See VanSpeybroeck v. Tillamook County*,
23 221 Or App 677, 681, 191 P3d 712 (2008) (“Under state and local law, a
24 nonconforming use can continue until abandoned, but alterations or replacements
25 of the use are regulated.”). Petitioners’ third assignment of error’s first
26 subassignment is that BM 21-203 is unconstitutional because it is preempted by

1 state statutes, including ORS 215.130(5). We address these assignments of error
2 together. For the reasons explained below, we agree with petitioners that BM 21-
3 203 violates ORS 215.130(5).

4 **B. BM 21-203 Text and Context Analysis**

5 **1. Consistency with ORS 215.130**

6 BM 21-203 amendments to LCC chapter 4 include, but are not limited to
7 the addition of LCC

8 *“4.422 Non-conforming uses in R-1-A, R-1 and R-2 zones*

9 “(a) Effective on the date of adoption of this measure, existing
10 licensed STR uses in R-1-A, R-1 and R-2 neighborhoods shall
11 become non-conforming. These non-conforming uses shall be
12 personal to the owner of record of a property at the time this
13 measure is adopted and shall not be assignable or transferable,
14 and such uses shall cease when ownership of a property is
15 transferred. It is intended that the sale of homes with a rental
16 license will result in gradual attrition of the total number of
17 dwellings with a short-term rental license in the R-1-A, R-1
18 and R-2 zones in the County.

19 “(b) If a subdivision now zoned R-1, R-1-A or R-2 wishes to allow
20 STRs to be licensed within its boundaries, it shall petition the
21 County to downzone it or to create a new zoning category to
22 allow such use. A majority of the property owners in said
23 subdivision must vote in favor of such a zoning change before
24 applying to the County for such a zoning change.

25 *“4.423 Amortization, Exceptions in R-1-A, R-1 and R-2 zones*

26 “(a) License for non-conforming use of dwellings for STRs in R-
27 1-A, R-1, and R-2 neighborhoods, shall be amortized within
28 a five year period from the date of adoption of this measure.
29 At the conclusion of the amortization period, all licenses for

1 STR usage of said non-conforming dwelling units shall
2 expire, whether or not such use existed prior to the adoption
3 of this measure unless hardship relief has been granted
4 pursuant to Section 4.424 below.

5 “(b) An exception may be made, on a case by case basis, for an
6 accessory dwelling unit that is licensed and operating as an
7 STR on the date of adoption of this measure, where the
8 primary residence is not licensed or used as an STR. Anyone
9 seeking such an exception shall file an application for such
10 relief with the BOC not later than 60 days from the effective
11 date of this measure. The BOC shall determine whether there
12 is a basis for such exception to be granted. Persons who fail
13 to file an application within the time period established in this
14 Section shall be precluded from applying for such an
15 exception.” Record 4 (emphases added).

16 Newly enacted LCC 4.424 is a hardship provision for property owners “who can
17 substantiate that an investment made in alteration of a dwelling exclusively to
18 accommodate *the non-conforming use of a dwelling* as an STR cannot be
19 adequately amortized” within the five years provided in LCC 4.423(a).² Record
20 4 (emphasis added).

21 We examine BM 21-203’s text and context with the goal of discerning
22 voter intent. The stated intent of the LCC 4.422 provision that (1) STR uses in
23 the R-1-A, R-1, and R-2 zones will become nonconforming uses; and (2) the right
24 to continue such uses will be personal to the owner of record and expire upon
25 transfer of the property, is to cause a gradual attrition in the number of dwellings

² An application for hardship relief must be made within 60 days of the measure’s effective date. LCC 4.424(d). If the county makes the requisite finding of hardship, the amortization period will be extended. LCC 4.424(e).

1 in those zones with STR licenses, to ensure that the licenses are not assignable,
2 i.e., not transferable, and to ensure that the “uses” cease when ownership is
3 transferred. Record 4. ORS 215.130(5) requires, however, that the county allow
4 the continuance of “[t]he lawful use of any building, structure or land at the time
5 of the enactment or amendment of any zoning ordinance or regulation[.]” We
6 therefore consider whether BM 21-203’s designation of STRs as nonconforming
7 uses conflicts with the continuance of a lawful use of a building at the time of the
8 measure’s enactment.

9 Although BM 21-203 includes modifications and additions to LCC 4.415
10 “Definitions,” it does not include a definition of “nonconforming use.”³ LCC
11 1.1115 defines “nonconforming use” as

12 “the use of a structure or land, or structure and land in combination,
13 which was lawfully established in compliance with all applicable
14 ordinances and laws, but which, because of the application of a
15 subsequent zoning ordinance, no longer conforms to the use
16 requirements for the use zone in which it is located.” LCC
17 1.1115(63).

18 Although the county argues that the definitions in LCC 1.1115, the county’s land
19 development code, do not apply to STR Regulations in LCC ch 4, LCC 1.1115’s
20 definition of “nonconforming use” is consistent with a common understanding of

³ For example, BM 21-203 changed the definition of “short term rental,” adding the modifier “transient” before the term “rental” and adding a provision that a STR is deemed a commercial lodging business and is not a residential use.

1 the term.⁴ Furthermore, LCC 1.1115 definition's requirement that
2 "nonconforming uses" have been "lawfully established in compliance with all
3 applicable ordinances and laws" is consistent with the preexisting provision in
4 the STR Regulations at 4.450 requiring STR license holder compliance with all
5 applicable parts of the LCC.⁵ We will therefore rely on the LCC 1.1115 definition
6 of "nonconforming use" as the applicable definition for purposes of this appeal.

7 BM 21-203 states that effective upon the date of its enactment, STRs *shall*
8 *become* nonconforming uses in the R-1-A, R-1 and R-2 zones. Said differently,
9 because of the application of BM 21-203, STRs no longer conform to the use
10 requirements in the R-1-A, R-1 and R-2 zones. BM 21-203 therefore presumes
11 that prior to its enactment, STRs were allowed uses in those zones and for
12 purposes of this opinion, we assume that is correct. ORS 215.130(5) provides that
13 counties must allow nonconforming uses to continue. BM 21-203 requires that
14 STRs in these zones cease after a five-year phase out period.

15 Intervenors-respondents (intervenors) respond generally that BM 21-203
16 imposes a business licensing regime similar to that which we concluded was not

⁴ Black's Law Dictionary defines "nonconforming use" as "[l]and use that is impermissible under current zoning restrictions but that is allowed because the use existed lawfully before the restrictions took effect." Black's Law Dictionary 1540 (7th ed 1999).

⁵ LCC 4.450 provides "Owners of [STR] units who hold a valid license under this Chapter are required to comply with all applicable provisions of this Chapter and the Lincoln County Code."

1 a land use regulation subject to our jurisdiction in *Briggs v. Lincoln County*, ___
2 Or LUBA ___ (LUBA No 2021-113, Feb 10, 2022) and that ORS 215.130 is not
3 implicated.⁶ Our decision in *Briggs*, ___ Or LUBA ___, does not aid intervenors.
4 The board of commissioners’ adopted amendments in Ordinance 523 to LCC ch
5 4 are qualitatively different than those voters adopted in BM 21-203 and we do
6 not address them further.⁷

7 Instead, we look to *Port of Hood River v. City of Hood River*, where the
8 petitioners appealed a voter approved ballot measure establishing a city policy to
9 reserve certain property as a public park. 47 Or LUBA 62 (2004). There, the

⁶ In October 2021, the county commission adopted Ordinance 523 amending the STR regulations. Ordinance 523 was the subject of the appeal in *Briggs v. Lincoln County*, LUBA No. 2021-113. We determined that Ordinance 523 was not a land use decision and transferred that appeal to circuit court. *Briggs v. Lincoln County*, ___ Or LUBA ___ (LUBA No 2021-113, Feb 10, 2022).

⁷ Much of intervenors’ response brief argues that BM 21-203 is not a land use decision. For example, intervenors argue:

“Although LUBA determined the Measure was a ‘land use regulation’ within its jurisdiction, in truth the Measure is a business regulation limiting the Sheriff’s authority to issue or renew STR licenses and simply references residential zoning as an index of where the Sheriff can issue licenses. At most, the Measure furthers the County’s protections for residential neighborhoods in a ‘general or indirect way’ through the business licensing program and is not a land use regulation.” Intervenors-Respondents’ Brief 1.

To the extent intervenors intend for this argument to serve as a motion for reconsideration of our order denying their motion to dismiss, it is denied.

1 ballot measure established a “city policy ‘to preserve for public parks’ a specified
2 portion of the city waterfront.” *Id.* at 65. The property at issue was owned by the
3 petitioner, developed with several industrial buildings, and zoned industrial, light
4 industrial, and general commercial and the ballot measure allowed existing uses
5 to remain as long as current operations continued. We concluded that “The
6 negative implication of allowing existing uses to remain ‘as long as current
7 operations continue’ is that new uses otherwise allowed in the industrial, light
8 industrial and commercial zones are no longer allowed.” *Id.* at 67. Although
9 intervenor in that appeal argued that the ballot measure was no more than an
10 advisory expression of voter preference regarding the future of the city’s
11 waterfront, we rejected that argument and concluded that the initiative effectively
12 rezoned the petitioner’s property. We reach a similar conclusion here. BM 21-
13 203 requires uses previously allowed in certain zones to end within five years.
14 This violates ORS 215.130(5).

15 ORS 215.130(5) also requires that a change in ownership or occupancy be
16 permitted. Conversely, BM 21-03, in newly enacted LCC 4.422(a), provides that
17 “Effective on the date of adoption of this measure, * * * [t]hese *non-conforming*
18 *uses* shall be personal to the owner of record of a property at the time this measure
19 is adopted and shall not be assignable or transferable, and *such uses shall cease*
20 when ownership of a property is transferred.” Record 4 (emphasis added).

21 The county argues that because there was no right to transfer an STR
22 *license* prior to BM 21-203’s approval, BM 21-203 does not effect a change that

1 implicates ORS 215.130(5). We disagree. The prior and retained language relied
2 on by the county is the LCC 4.420(2) provision that “[n]o *license* granted under
3 the provisions of LCC 4.405 through 4.460 shall be assignable. If the dwelling
4 unit is sold or transferred by any means, a new license is required of the
5 subsequent owner(s) who desire to continue short term rental operation[.]”
6 (Emphasis added.) The BM 21-203 change is that LCC 4.442(a) provides that the
7 *use* is required to cease.

8 LCC 4.423, also added by the BM 21-203, states in part:

9 “(a) *Licenses for non-conforming use* of dwellings for STRs in R-1-
10 A, R-1, and R-2 neighborhoods *shall be amortized within a five year*
11 *period* from the date of adoption of this measure. At the conclusion
12 of the amortization period, all licenses for STR *usage* of said non-
13 conforming dwelling units shall expire, whether or not such use
14 existed prior to the adoption of this measure unless relief has been
15 granted pursuant to Section 4.424 below.” Record 4 (emphases
16 added).

17 This section provides that licenses for “usage” (as opposed to use) will be phased
18 out in five years. Given, however, that licenses have a one-year term pursuant to
19 LCC 4.430(2), the provision that no new license will be issued after five years
20 serves as a back door mechanism to phase out the nonconforming use. The
21 hardship relief available pursuant to LCC 4.424 expressly recognizes that it “is
22 established for property owners who can substantiate that an investment made in
23 alteration of a dwelling exclusively *to accommodate the non-conforming use of*
24 *a dwelling* as an STR cannot be adequately amortized” within five years. Record
25 4 (emphasis added).

1 BM 21-203 is a land use regulation requiring cessation of a nonconforming
2 use in contravention of ORS 215.130(5). LCC 4.422’s provision that “such use
3 shall cease when ownership of a property is transferred” further violates ORS
4 215.130(5) by providing that a change in ownership is no longer allowed. Record
5 4.

6 Lastly, ORS 215.130(5) provides, in part,

7 *“Alteration of any such use may be permitted* subject to subsection
8 *(9) of this section. Alteration of any such use shall be permitted*
9 *when necessary to comply with any lawful requirement for*
10 *alteration in the use. Except as provided in ORS 215.215, a county*
11 *shall not place conditions upon the continuation or alteration to a*
12 *use described under this subsection when necessary to comply with*
13 *state or local health or safety requirements, or to maintain in good*
14 *repair the existing structures associated with the use.”*⁸ (Emphases
15 added.)

⁸ ORS 215.215 provides:

“(1) Notwithstanding ORS 215.130 (5) to (11), if a nonfarm use exists in an exclusive farm use zone and is unintentionally destroyed by fire, other casualty or natural disaster, the county may allow by its zoning regulations such use to be reestablished to its previous nature and extent, but the reestablishment shall meet all other building, plumbing, sanitation and other codes, ordinances and permit requirements.

“(2) Consistent with ORS 215.243, the county governing body may zone for the appropriate nonfarm use one or more lots or parcels in the interior of an exclusive farm use zone if the lots or parcels were physically developed for the nonfarm use prior to the establishment of the exclusive farm use zone.

1 Petitioners argue that ORS 215.130(9) provides that the definition of “alteration”
2 includes

3 “(a) A change in the use of no greater adverse impact to the
4 neighborhood; and

5 “(b) A change in the structure or physical improvements of no
6 greater adverse impact to the neighborhood[]”

7 and that taken with ORS 215.130(5), these provisions mean that the county may
8 not place any conditions on an unaltered nonconforming use. To the contrary,
9 this language provides that the county may allow certain alterations to
10 nonconforming uses but must allow the alterations of nonconforming uses
11 necessary to comply with lawful, state or local health or safety requirements. BM
12 21-203 imposes new septic and guest number restrictions and these *types* of
13 restrictions may be permissible local public health and safety requirements. We
14 do not discuss them further.

15 We agree with petitioners that BM 21-03 violates ORS 215.130(5) by
16 requiring STRs in the identified zones to cease within five years and by
17 prohibiting their transfer of ownership. ORS 215.130(5) prohibits the county
18 from requiring lawful STRs that are nonconforming uses to cease in five years or
19 prohibiting the transfer of their ownership.

20 The first assignment of error’s first subassignment of error is sustained in
21 part.

1 **B. Preemption**

2 Petitioners argue in the first subassignment of the third assignment of error
3 that BM 21-03 is preempted by ORS 215.130. We agree that the two pieces of
4 legislation cannot operate concurrently and that BM 21-203 is preempted by ORS
5 215.130.

6 “Outside the context of laws prescribing the modes of local
7 government, both municipalities and the state legislature in many
8 cases have enacted laws in pursuit of substantive objectives, each
9 well within its respective authority, that were arguably inconsistent
10 with one another. In such cases, the first inquiry must be whether
11 the local rule in truth is incompatible with the legislative policy,
12 either because both cannot operate concurrently or because the
13 legislature meant its law to be exclusive.” *La Grande/Astoria v.*
14 *PERB*, 281 Or 137, 148, 576 P2d 1204, *aff’d on reh’g*, 284 Or 173,
15 586 P2d 765 (1978).

16 “[W]hen a local enactment is found incompatible with a state law in an area of
17 substantive policy, the state law will displace the local rule.” *Id.* at 149. The Court
18 of Appeals has also held that “a local law is preempted only to the extent that it
19 ‘cannot operate concurrently’ with state law, *i.e.*, the operation of a local law
20 makes it impossible to comply with a state statute.” *Thunderbird Mobile Club v.*
21 *City of Wilsonville*, 234 Or App 457, 474, 228 P3d 650, *rev den*, 348 Or 524, 228
22 P3d 152 (2010) (local legislation regulating tenant displacement benefits more
23 generous than found in state law not preempted.)

24 The state in enacting ORS 215.130(5) has legislated that nonconforming
25 uses must be allowed to continue. BM 21-203 requires that the nonconforming
26 STR uses cease operations in no later than five years. Evidence of the

1 legislature’s intent that ORS 215.130 constrain the county’s regulation of
2 nonconforming uses are found in ORS 215.130 provisions identifying what the
3 county *may and may not* do, including

4 “(10) A local government *may adopt* standards and procedures to
5 implement the provisions of this section. The standards and
6 procedures may include but are not limited to the following:

7 “(a) For purposes of verifying a use under subsection (5) of
8 this section, a county may adopt procedures that allow
9 an applicant for verification to prove the existence,
10 continuity, nature and extent of the use only for the 10-
11 year period immediately preceding the date of
12 application. Evidence proving the existence,
13 continuity, nature and extent of the use for the 10-year
14 period preceding application creates a rebuttable
15 presumption that the use, as proven, lawfully existed at
16 the time the applicable zoning ordinance or regulation
17 was adopted and has continued uninterrupted until the
18 date of application.

19 “(b) Establishing criteria to determine when a use has been
20 interrupted or abandoned under subsection (7) of this
21 section.

22 “(c) Conditioning approval of the alteration of a use in a
23 manner calculated to ensure mitigation of adverse
24 impacts as described in subsection (9) of this section.

25 “(11) For purposes of verifying a use under subsection (5) of this
26 section, *a county may not* require an applicant for verification
27 to prove the existence, continuity, nature and extent of the use

1 for a period exceeding 20 years immediately preceding the
2 date of application.”⁹ (Emphases added.)

3 Such is the case here; BM 21-203 prevents compliance with ORS 215.130 and is
4 preempted. Because we conclude that BM 21-203 is preempted by ORS 215.130,
5 we do not address petitioners’ arguments related to other state statutes.

6 The first assignment of error’s first subassignment of error is sustained, in
7 part.

8 The third assignment of error’s first subassignment of error is sustained, in
9 part.

10 **DISPOSITION AND REMAINING ASSIGNMENTS OF ERROR**

11 In our resolution of the first subassignments of the first and third
12 assignments of error, we conclude that BM 21-03 is inconsistent with ORS
13 215.130(5), which preempts local legislation that cannot operate concurrently
14 with that statute. Accordingly, the decision is “prohibited as a matter of law.”
15 OAR 661-010-0071(1)(c) (LUBA shall reverse a land use decision that violates

⁹ See for example, *Landwatch Lane County v. Lane County*, 77 Or LUBA 213, 222, *aff’d*, 292 Or App 415, 421 P3d 432 (2018) (“[U]nlike ORS 215.130(5), ORS 215.130(10)(b) expressly delegates to counties the authority to ‘[e]stablish[] criteria to determine when a use has been interrupted or abandoned under’ ORS 215.130(7).”); *Morgan v. Jackson County*, 78 Or LUBA 188, 206 (2018) (ORS 215.130(11) prohibits “compelling an applicant to submit evidence regarding the nature and extent of the use during periods that are more than 20 years prior to the date of the application[.]”).

1 a provision of applicable law and is prohibited as a matter of law). Accordingly,
2 we do not resolve the remaining assignments of error.¹⁰
3 The decision is reversed.

¹⁰ The remainder of petitioners' first assignment of error is that BM 21-203 is inconsistent with ORS 203.040. Petitioners' second assignment of error is that the BM 21-03 violates ORS 203.045(2)(b), ORS 215.503, and ORS 215.223. The remainder of petitioners' third assignment of error is that the decision is unconstitutionally vague, impairs contracts in violation of Article I, section 21 of the Oregon Constitution, and is preempted by the Oregon Planned Community Act and the Oregon Condominium Act.

Petitioners' fourth assignment of error is not an assignment of error, but rather seeks to avoid a disposition that affirms BM 21-03 in part and remands in part. Petition for Review 36-40. The county and intervenors respond with arguments that severance is appropriate. We do not have the authority to affirm in part and reverse or remand in part a decision. *Dept. of Land Conservation v. Columbia County*, 117 Or App 207, 843 P2d 996 (1992).



Land of Cheese, Trees and Ocean Breeze

MEMO

Date: February 7, 2023
To: Tillamook County Short-Term Rental Advisory Committee
From: Sarah Absher, CFM, Director
Subject: February 14, 2023, Meeting Materials

Attached to this memorandum are copies of the following:

- February 14th STR Advisory Committee Meeting Agenda
- Updated Summary of Ordinance 84 Revisions Section by Section
 - Updated summary includes third column of supplemental/background information.
- STR Outline & Guidance Document
- 2021 Estimated Number of Nights Rented by STR
- 2022 Estimated Number of Nights Rented by STR
- STR Maximum Occupancy Summary
- Code Enforcement Complaint Statistics Slide from presentation at May 2022 Meeting

Public comments received since the last meeting are posted on the STR Advisory Committee page. Copies have also been emailed to committee members. In review of posted public comments received to date, Staff have compiled comments into various categories as described below:

- Approximately 349 comments have been received to date through the public comment email address and staff email addresses.
 - 139 comments share general thoughts, opinions, and feelings about the existing program and proposed amendments. These comments also share positive and negative experiences of STRs in communities.
 - 68 of these comments also include statements opposing proposals for caps and density limitations.
 - 45 comments specifically focus on livability issues such as noise, traffic, unwanted visitor presence in neighborhoods, etc.
 - 13 comments specifically raise parking/traffic concerns.
 - 7 comments specifically raise issues regarding lack of enforcement.
 - 8 comments specifically raise issues regarding water availability concerns.
 - 4 comments specifically raise issues regarding noise.
 - 2 comments specifically raise concerns regarding lack of housing due to STRs.
 - 2 comments specifically raise public safety concerns including lack of emergency preparedness of communities.
 - 7 comments reflect opposition to allowance of STRs in residential areas.
 - 8 comments support the ordinance draft amendments and committee work.
 - 124 comments reflect general opinions that the County should continue regulating STRs under current program regulations, stating that existing regulations are restrictive enough. Comments also reflect opinions to protect existing property rights that should not be taken away as a result of this process.



Tillamook County Short-Term Rental Advisory Committee Meeting

<https://www.co.tillamook.or.us/commdev>

**Location: Port of Tillamook Bay Conference Center, Conference Room,
4000 Blimp Boulevard, Tillamook, OR 97141**

February 14, 2023, Meeting Agenda

Time: 9:30am-12:00pm

Topic	Time
Welcome & Introductions	10 minutes
Continuation of Discussion Ordinance 84 Draft Revisions (Includes 5-minute break)	110 minutes
Discussion of March Agenda & Meeting Date Availability	10 minutes
Public Comment	20 minutes
Total	150 minutes

Virtual Link for Public Meetings

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

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

Public comment is limited to 3-minutes per person. Please email Lynn Tone, DCD Office Specialist, if you would like to provide public testimony at the end of the meeting.

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

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

Access to STR Advisory Committee Page & Meeting Materials:

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

The Tillamook County STR Advisory Committee meets the second Tuesday of each month. Please check the STR Advisory Committee page to remain current on committee process and committee updates.

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.

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. Notice to Neighbors requirement proposed to be reinstated to meet communication goal between STR owners/operators and neighbors. Opportunity to partner with TC Visitor's Association for postcards to use for neighbor notification. Consideration that language be added to require new notice be given to neighbors upon transfer of STR certificate. 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. 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. 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>	
<p>Section 8.</p>	<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.	<p>Continuation of a Short-Term Rental. Requires re-inspection of a short-term rental every three (3) years and establishes fee for reinspection.</p>	<p>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>	<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 complaint 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>	<p>Sections under review by legal counsel and County staff.</p>	
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.	

STR OUTLINE & GUIDANCE DOCUMENT

Committee Consideration: Do you agree with the statements below? Do you feel the draft Ordinance amendments have been designed in a manner to address, alleviate and solve livability and enforcement concerns?

Problems the STR program is designed to address, alleviate, solve:

1. Livability: reduce or eliminate nuisance impacts of STRs on residential neighbors and neighborhoods. This pertains mainly to operation of STRs. Livability problems can also stem from high concentration of STRs in neighborhoods necessitating consideration of long-term program capacity management tools.
2. Enforcement: redesign or enhance existing enforcement program for increased effectiveness in addressing violations.
3. Housing: The number of dwellings now used as Short-Term Rentals throughout unincorporated Tillamook County has increased significantly in the past few years. The STR program aides County efforts to address local affordable and workforce housing needs. Funded by STR Operator License fees, the County's multi-housing grant fund supports development of affordable and workforce housing projects to increase availability of housing for people who want to live/work in Tillamook County (long-term tenancy).

Committee Consideration: Do you agree with the statements below? Do you feel draft Ordinance language better meets enforcement needs?

Enforcement, Complaint, Appeal and Adjudication Process. Ideally, a well-run program has little enforcement because it has a good/effective complaint reporting system that incentivizes self-policing of STR operators and compliance:

1. Who: STR Administrator and designee (Department of Community Development). Do not use sheriff's office, which is focused on criminal enforcement and public safety, not code compliance.
2. Civil code enforcement officer. Do not criminalize violations. Create a civil position of STR enforcement officer who works evenings/nights on weekends from May 1 to Sept 30 patrolling residential areas and is dispatched by central call center when complaints are received about an STR. Do not use sheriff's office or judicial system (Justice of the Peace Court or Circuit Court).
3. Adjudication of disputes and appeals. Use a STR or code enforcement hearings officer to adjudicate and decide complaints/citations issued by STR Administrator against STR's for violation of any regulation. Use STR or code enforcement hearings officer to hear any applicant appeals of license decisions by the STR Administrator. Keep BOC out of decision making because it tends to politicize the case when it should be a legal determination not a political call. Do not use judicial system (Justice of the Peace Court or Circuit Court). Appeals from local STR or code enforcement Hearings Officer go to circuit court as a writ of review.
4. Low bar to filing/lodging a complaint – Do not make neighbor confront renters; do not require law enforcement to show-up and witness violation; do not require judicial level proof of violation to record a complaint. Provide a centralized call center to log complaint calls when they occur and to dispatch the local contact person to the STR and dispatch the county's STR enforcement officer to the STR

5. Do not require judicial level proof of violation to log a complaint against an STR or to initiate remedial contact with renter and owner
6. Incentivize self-policing by giving benefit of doubt to complainant, attach consequence to multiple complaints, annual license renewal depends on clean complaint record from previous year
7. Instantaneous real-time complaint and response system (a call and dispatch center) for lodging complaint that is time-stamped and property specific
8. Funding of local enforcement should be from STR license fees, special STR patrols focused on or limited to STR areas after hours and on weekends, not county-wide patrols for all criminal or civil matters

Committee Consideration: Do you agree the operational regulations below are necessary to avoid or eliminate nuisance impacts of STRs? Is the existing and draft Ordinance language adequate?

Operational Regulations designed to protect public health safety and welfare, avoid or eliminate nuisance impacts of STRs, focused on livability issues:

1. **Parking** – require enough (number) on-site parking spaces to serve the use without using on-street parking. Not a question of ticketing someone who parks on the street but requiring STR licensees to provide on-site (off-street) parking and have their guests use it.
2. **Garbage** – require regular garbage & recycling service and suitable collection containers and location, impose rules on set-outs.
3. **Occupancy limits** - limit on number of bedrooms and limit on number of people per bedroom, e.g., 2 people per bedroom plus 2 additional people.
4. **Post rules conspicuously** inside for renters’ benefit and outside for neighbors’ benefit, along with contact information for problems. County should provide a uniform poster.
5. **Building Code Compliance** – require inspection by building official and current compliance to obtain STR license and require reinspection every 3 years to renew STR license.
6. **Fire/Life/Safety Compliance** – require inspection by building official and current compliance to obtain STR license and require reinspection every 3 years to renew STR license.
7. **Septic Compliance** – require Existing System Evaluation Report (ESER) inspection to obtain STR license and reinspection every 3 years to renew STR license.
8. **Noise** – comply with functional noise limitation during “quiet hours,” e.g., no amplified music and no noise audible from the STR at the property line between 10 pm and 7 am. Avoid quantitative limitation.
9. **Near-by Responder** – require a responsible representative that can respond by phone to the STR immediately when a complaint is received and can get to the STR within 20 minutes if needed to address nuisance complaints. Responsible representative available 24/7.

Estimated # STRs by # Nights Rented - CY 2021

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	4	6	20	18	21	69
Neskowin	14	9	34	43	38	138
Netarts	6	4	20	20	25	75
Oceanside	4	9	21	35	40	109
Pacific City	36	35	68	85	54	278
Tierra Del Mar	<u>4</u>	<u>5</u>	<u>10</u>	<u>11</u>	<u>5</u>	<u>35</u>
Total	68	68	174	212	182	704

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

Maximum Occupancy Summary
as of 2/1/2023

<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

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	

Lynn Tone

From: caroline kirk <caroline.victoria.kirk@gmail.com>
Sent: Monday, January 9, 2023 6:22 PM
To: Lynn Tone; Sarah Absher
Cc: Elvis Lloyd
Subject: EXTERNAL: Short Term Rental Issues: 7250 Saghalie Ln, Pacific City
Attachments: Saghalie Lane_Access restrictions Jan 2023.pdf

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

FAO: Tillamook County Short Term Rental Ordinance Review:

Subject: 7250 Saghalie Ln, Pacific City: Short Term Rental

Detailed below, comments for the committee's review and inclusion in the record.

We write in support of, and to provide supplemental information to, a letter that our neighbors wrote to you regarding a short-term rental property that is creating access issues for the residents of Saghalie Lane in Pacific City. (Copy of the other letter attached below)

The property, 7250 Saghalie Ln, Pacific City, was sold to a consortium of owners in May of this year and from mid-summer has been available, via Meredith, as a STR property for up to 14 people. A lot of the time, occupancy has been observed to support more than 14 people.

Even at 14 people occupancy, the parking situation at the property is NOT conducive to this without serious infringement of access to all adjoining houses and in contravention of safe access for emergency vehicles as well as ease of access to all other delivery/ service vehicles entering the street.

As full time, permanent residents at 7265 Saghalie Lane, we have been impacted the most by the issues that (unfortunately) are persistent and ongoing and not improving. We have had to report issues to Meredith on multiple occasions (upward of 6) since the house was first put up for rental in the middle of summer in 2022. We have discussed multiple times with the property managers and area managers the issues we are encountering BUT nothing changes. Whilst the staff at Meredith are very apologetic and have on occasion sent a security team to investigate and try and move cars, there is no willingness to change the occupancy / restrict the number of vehicles that are permitted to be parked at the property.

The property is large and has 6 bedrooms BUT the space that it occupies on the site is wholly at odds with supporting parking for that many visitors. I have attached a map of the street and shown the issues we are facing. All adjoining properties are unable to access their garages properly when the street is blocked by visiting cars to be able to turn and reverse trailers / boats into their driveways / garages.

On occasion vehicles from the STR house have parked on neighbors driveways/ blocked access and we have had to have conversations with multiple tenants about the parking in order to be able to access our property.

Conversation directly with some of the owners when they visited proved equally frustrating. They suggested that we deal directly with the tenants (by knocking on the door) vs registering complaints with the management property – this is highly irregular and not something we would be comfortable doing.

The issues continue – it is very rare that when rented there are NOT issues. Multiple residents on the street have voiced safety concerns to the rental company, all of us are frustrated by the lack of control that is being enforced and collectively we would ask that the situation / agreement that is in place for renting this property be addressed by the committee. We ask that this is brought before the committee when they meet this week.

We can provide any number of photographs you require to support the issues we have faced since this S.T.R. started in the middle of last year.

Yours sincerely

Caroline and Elvis Lloyd
7265 Saghalie Ln, Pacific City, OR, 97135.
916.316.2502 / 909.648.8303

2 enclosures:

Attachment 1: Site Map - attached as PDF

Attachment 2 (body below): Letter from Jim Bartel

To: Tillamook County Short Term Rental ordinance review

I write in support of needed changes to Ordinance 84. We have owned a home on Saghalie in Pacific City for over 20 years. Saghalie is a small cul-de-sac, with 5 homes and limited parking.

The public portion of Saghalie needs to be unobstructed in order to provide access to first responders and medical vehicles as needed, delivery vehicles, law enforcement, access to homes, and general livability. Last year the county gave a permit for STR to investors who bought the house at 7250 Saghalie. The STR is managed by Meredith. The house has a two car garage and a parking apron for two additional vehicles. Because of it's positioning on the street, vehicles parked behind the apron protrude into the street, interfering with or blocking access. It is common, however, for renters to not use the garage, and to park 4, 5, 6, even 8-10 vehicles outside, all but two of which are in the public street, which creates a dangerous congestion on the treet. Complaints to Meredith about this are met with polite gaslighting.

Complaints to renters invite confrontation. Meredith blames the renters, the renters blame Meredith, and the bad situation continues.

A large reason for this, and other livability problems, is the way Ordinance 84 is written. It provides the illusion of at least some regulation but is in fact toothless, almost as though written by realtors and STR management companies. For example, it provides that parking violators (i.e. renters who will by definition be leaving) can be ticketed and fined. Imagine calling the overworked Tillamook County sheriff's office to ask that an officer drive to Pacific City to issue a parking ticket! How effective can that be? The ordinance should put responsibility for this, and other violations, directly on the STR managers and owners in addition to renters. It should provide clear, easily enforced rules, such as: imposing fines of at least \$1000 per violation on owners and managers, placing their permit to rent on probation automatically upon the first violation, suspending the permit automatically upon the second violation, and revoking it automatically upon the third violation, with provisions for reinstatement only after a hearing (at which neighbors must be invited to testify). Permits should not be reinstated unless Owners and STR managers adopt clear, easily enforced rules to prevent future violations.

Ordinance 84 as written puts the onus of enforcement, such as it is, on victims and -as to parking-on renters. It creates a lengthy and expensive process to challenge permits. This is a disincentive to homeowners impacted by violations to try and have them cured or stopped. It appears toothless and, to me, disingenuous.

I am concerned also about the potential liability of Tillamook County for its role in creating

situations such as the parking danger mentioned above, by adopting illusory “regulations “.

I also support the measures proposed by Save Our Neighborhood . I appreciate that STR taxes are nice, but that should be balanced with the safety, needs, and interests of us all. After all, we own homes here. We pay taxes too. We support our community. And we vote.

Jim Bartels, bartels.jim@gmail.com

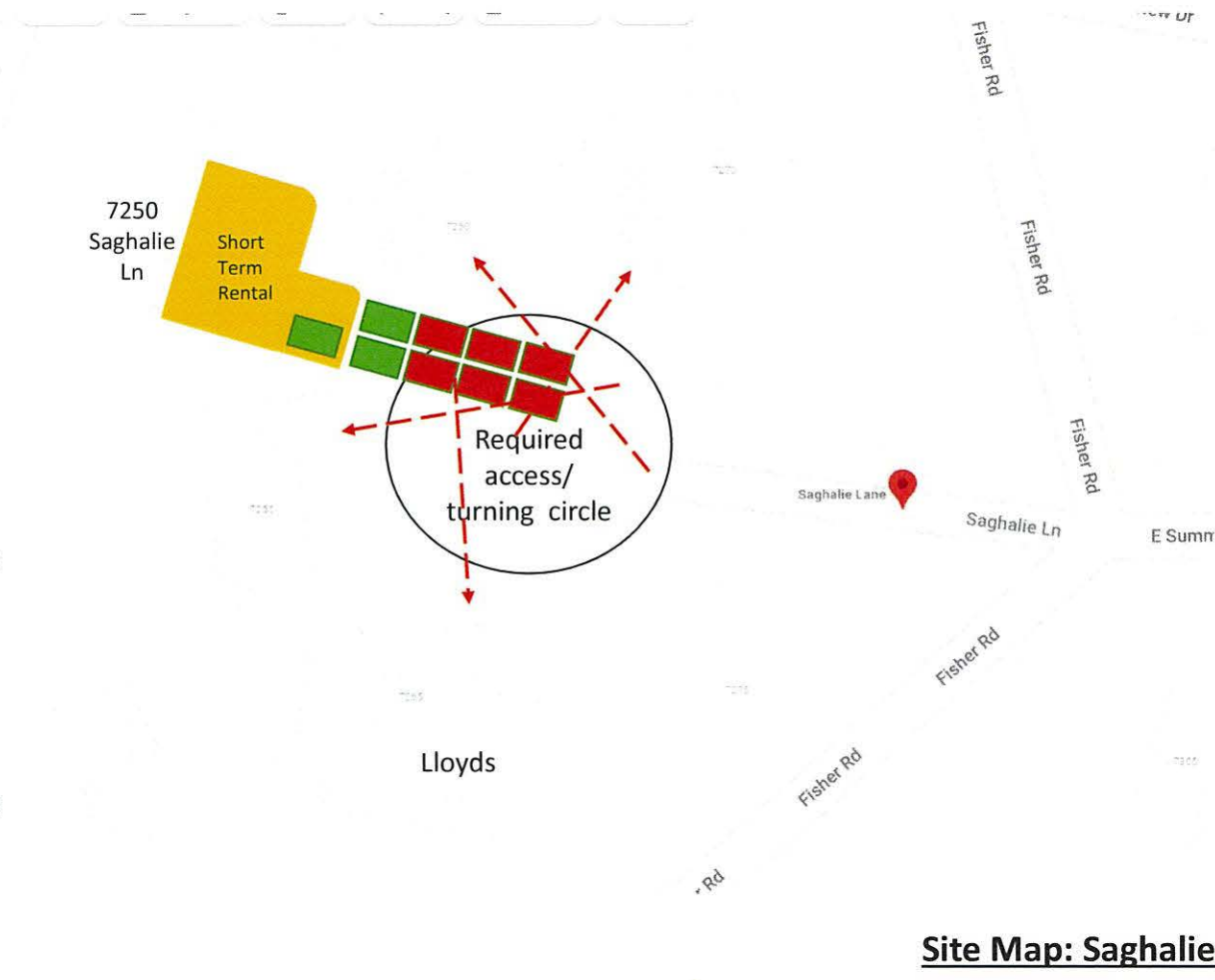
January 8, 2023

Currently S.T.R. at 7250 Saghalie Ln is set up to allow 5 cars (14 people house occupancy).

In speaking with Meredith on multiple occasions, the understanding is that 1 car fits in the garage (*one side of the garage is restricted due to laundry facilities*) and 4 cars are currently listed as being permissible outside the garage. This is already an issue. Only 2 vehicles are currently to be "legally parked" without encroaching on the access circle.

As you can see, by allowing any more than 1 deep outside the garage, access is restricted to all other properties with any vehicle trying to make a turn and reverse onto their property and does not allow turn circle to be kept accessible for emergency services, utilities or deliveries. All neighbors' garage access is compromised..

On multiple occasions cars have been 3 or 4 deep – one incident had 9 cars parked for the weekend at the property.



Site Map: Saghalie Ln, Pacific City

To: Short-Term Rental Advisory Committee
Sarah Absher, CBO, CFM, Director

Date: January 9, 2023

Thanks to all of you for the time and energy you have devoted to studying and tackling this thorny issue that has generated significant passion and a broad range of diverging perspectives. You have taken on a tough assignment, and your service is appreciated.

As regular visitors to Pacific City for more than 20 years, property owners for over 11 years, and aspiring residents hoping to begin construction on our long-term retirement home with a local contractor in the current 2023 season, we would like to (1) share our views on the regulatory options you have put forward for public consideration, and (2) underline the greater emphasis that we believe needs to be placed on enforcement of existing regulations.

Ultimately, the vast majority of the heat around STRs has been generated by the minority of renters who violate common-sense livability rules, and by the property owners and managers who fail to enforce them. Proposals to cap the number of STR permits – whether county-wide, or within yet-to-be-defined geographic sub areas, are a blunt-instrument, defeatist response to the perceived difficulties of an effective program of enforcement. We believe an enhanced version of the “Hello Neighbor Plus” program that has already gained considerable traction would provide a more appropriate response. Continuing down the path of permit caps – particularly if existing rental permits are allowed to be transferred to new owners upon sale – will:

- Create an arbitrary, permit-as-asset system of economic haves and have-nots in the county, with minimal turnover in permitted owners and properties.
- Consign would-be visitors to the county to a rapidly aging stock of rental housing that will eventually become non-competitive, because the caps will depress incentives for renovation, and eliminate incentives for new construction.
- Encourage (as has demonstrably already occurred) a mad rush for STR permits, including dozens of permits acquired over the past year for properties with no documented record of actual rentals.
- Stunt the vitality of a key sector of Pacific City’s (and possibly other communities’) economic base, real estate values, and local businesses, as well as needlessly deprive the county of a growing stream of both STR fee revenue and TLT tax revenue.

Instead of the “permit cap” approach, we encourage the county to strengthen the livability and economic health of Pacific City and other Tillamook County communities by capturing STR fee revenue and dedicating that income to a meaningful program of enforcement that would:

- Ban STR permit holders from renting their properties to individuals with repeated documented violations.
- Strip properties and property owners of their permits when documented violations exceed a designated threshold.
- Establish “interim sanctions,” such as escalating fines, for repeat rental violations.
- Under any system of capped permits, withdraw permits from those who do not actively use them – in order to remove the block on other County property owners from engaging in a legitimate economic activity, thus increasing the county’s STR fee and TLT tax revenue.

Effective enforcement would eliminate the need for any system of caps, but if caps were nonetheless to be implemented, they should (1) in no case be transferrable with sale of the property, (2) apply to all property owners equally, and (3) apply as a cap on the number of rental days per rental property per year, not as an exclusion on who is permitted to rent their residential properties.

All aspiring permit holders should undergo the same permit application process and scrutiny, with no free passes or advantages over any other STR permit applicant. Advantageous treatment of those buying an existing permitted property, as opposed to those (a) buying a non-permitted property; (b) existing County residents and property owners renting their existing property for the first time; or (c) investing large sums in new construction would be clearly unfair, and almost certainly subject to costly and likely successful legal challenges. In addition, policies of this type would have a negative and potentially severe impact on the regeneration of the housing stock in Pacific City (and potentially other communities in the County).

Thank you again for taking the time to read and consider our input. The remainder of this letter consists of brief, bulleted feedback on the six specific regulatory options on which you have requested community reaction.

Best regards,

Doneg McDonough and Zan Northrip

REGULATORY TOOL OPTIONS

1. Limitation of Number of Nights Rented
 - Not necessary if regulatory enforcement is improved.
 - Acceptable as a second-best option and would probably encourage rental property owners to act more like responsible residents.

2. Permit for Primary Residence Only
 - Not necessary if regulatory enforcement is improved
 - Likely to result in a decline in real estate values, local business activity, and economic base of Pacific City.
 - Dubious legality – the cited 9-month requirement has no basis in state law, which typically governs questions of primary residence.
 - Would severely constrict availability of vacation rentals, because this policy would undermine the common and long-standing practice of pre-retirement families establishing vacation homes, which they also rent out, until they are able to occupy them on a longer-term basis. This would damage the tourism industry in Pacific City and potentially other Tillamook County communities.
 - Begs lawsuits from the vast majority of current STR permit holders, who do not have their primary residence in Tillamook County.

3. Distance and Density Limits
 - Not necessary if regulatory enforcement is improved.
 - Likely to result in a decline in real estate values, local business activity, and economic base of Pacific City.
 - Would lead to great uncertainty on how one's place on a waiting list would be determined and when, if ever, a property owner would be permitted to rent their property.
 - Particularly in Pacific City, this is completely impractical and would *de facto* lead to no new STR permits being issued, essentially ever.

4. Establishment of a Cap
 - Not necessary if regulatory enforcement is improved.
 - Likely to result in a decline in real estate values, local business activity, and economic base of Pacific City.
 - If transferability is maintained, a cap is completely impractical and would *de facto* lead to no new STR permits being issued in Pacific City, essentially ever.
 - Will be challenged, likely successfully, by those adversely impacted by the cap. What, for example, is the compelling County interest in providing economic advantages to new outside buyers purchasing an already-permitted property, while discriminating against buyers, owners, and builders, many of whom have been paying Tillamook County property taxes for years?

5. Transferability Prohibitions or Limitations
 - Not necessary in the absence of a cap, which is itself not necessary if regulatory enforcement is improved.
 - If rental caps are applied, it is absolutely essential to have zero transferability of existing permits, because there is no legal basis for a capped system that ties transferability to the property itself, as opposed to the owner of that property.

- Properties are insentient - they do not rent themselves, vet or oversee their renters, or have any commitment to community values or standards. All of these are the responsibility of property owners. A system of transferrable permits arbitrarily assumes, with no evidentiary basis, that a new owner is going to exercise the same level of responsibility as the prior owner.
- In addition, a system of transferable permits effectively assigns to new owners property rental rights that supersede the rights of existing residential property owners (who are currently blocked from securing permits).

6. STR Ownership Limitations

- Not necessary if regulatory enforcement is improved.
- No strong objection, but unlikely to have much practical effect. Uncertain how an ownership limitation would apply to corporate entities. More data should be gathered on the number of multiple STR permit holders.

January 9, 2023

TO: Tillamook County Short-Term Rental Advisory Committee
FR: Mark and Janelle Thompson
RE: Draft Ordinance 84 Revisions

Dear STR Advisory Committee,

Thank you for accepting these comments on the Draft Ordinance 84 Revisions provided today. Me and my wife Janelle have been anxiously awaiting the release of the draft, and were hopeful that it would represent reasoned rules that were well-tailored to address identified problems identified by the STR Advisory Committee related to Short-Term Rentals. We were disappointed in many of the provisions, and believe that they appear to instead include a variety of random ideas about how to interfere with short-term rentals, rather than an approach that gets at the main concerns local residents may have. We will plan to provide further comment in the future on these topics as the STR Advisory Committee gets closer to its final recommendations.

For tonight, we wanted to address one particular issue. It is that the rules appear to make even existing short-term rental permit holders' rights to rent their property subject to severe limitations. Specifically, **after 5 years, existing STR permit holders are subject to losing their permit if another STR permit holder operates a property within 250 feet.**

We are opposed to this restriction on our rights and would intend to take action to oppose it, as we believe it is also inconsistent with Oregon's constitution, and case law regarding the nature of residential property in Oregon. We expect that the Advisory Committee has sought legal advice on this topic, and we are hopeful that the Board of Commissioners will be made aware of the risks of acting in contradiction to these requirements.

Additionally, we note that **the provision regarding the 250 foot restriction seems unworkable on its face.** For example, we would be interested in understanding what is intended under a situation where an existing permit holder applied to renew a permit, and the county found that another STR property was within 250 feet, and therefore denied the application. Specifically, we have the following questions:

- 1. Where two STR properties are within 250 feet of each other, which property is allowed to operate and which is denied a permit?**
- 2. Is the answer to question 1 dependent on whose permit needs to be renewed first? If so, wouldn't the outcome be that the first to renew is denied, and the second is granted? Wouldn't this go on in perpetuity, denying the first applicant a chance to rent their property until the one that applied second ceases to run an STR? If so, this would seem arbitrary and unfair. We hope that you will at least clarify what is intended.**

3. Is this provision intended to be enforced only on new permits issued after adoption of the ordinance? (According to the draft rules, that doesn't appear to be the case unfortunately)

Again, we plan to be involved in the processes going forward to identify other problems with the proposal, but we wanted to provide these comments immediately to see if we could get clarity about what is intended.

We note that we also have questions about how a neighborhood cap would be imposed if the existing STR rental properties exceed the cap. In such an instance, how would the County determine whose permits to revoke?

Thank you for your consideration of these comments.

Sincerely,

Mark and Janelle Thompson
503-706-0434
markthomps@msn.com

Lynn Tone

From: Paula Sansum <psansum@gmail.com>
Sent: Tuesday, January 10, 2023 9:02 AM
To: Lynn Tone
Subject: EXTERNAL: Tillamook county 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.]

I am very sorry to hear of widespread illness in your department.

45 minutes prior to meeting time is not sufficient to read and respond to these proposed ordinance changes.

One important consideration in my unincorporated neighborhood is the 'grandfathering' of STR property.

It seems that requiring a new owner or managing family member to re apply for a STR certification, may assist in diminishing the current over population of STRs operating within our small unincorporated neighborhood.

I do hope extended time for more thoughtful comments will be allowed for these very important considerations.

Thank you.

Respectfully,
paula sansum

Lynn Tone

From: Sarah Absher
Sent: Tuesday, January 10, 2023 8:30 AM
To: Lynn Tone
Subject: Short Term Rentals - Neahkahnie is a loophole

From: Elisa Klein <elisa@societypage.net>
Sent: Tuesday, January 10, 2023 8:22 AM
To: Sarah Absher <sabsher@co.tillamook.or.us>
Cc: Steven Klein <steven.klein@kidder.com>
Subject: EXTERNAL: Short Term Rentals - Neahkahnie is a loophole

[**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 Sarah and other neighbors,

The gist of what I want to say is that our residential neighborhood in has been left unprotected from commercial enterprises. We are not zoned commercial, but because of a lack of regulatory oversight, we have become just that. We built our family home over 25 years ago on a vacant lot on 1st Street in the hillside community of Neahkahnie. We do not rent it to others.

Our unincorporated pocket of Tillamook County is directly adjacent to the city of Manzanita, where there ARE restrictions on short-term rentals. *We are a loophole*, plain and simple and the unfettered establishment of rental homes is diminishing our neighborhood's quality of life. Promotional material for those short-term rentals is even marketed as being located in Manzanita. The lack of regulation reduces the number of family homes which could be used, even for long-term rentals, by people who work in the area. There's a shortage of housing in our area, so much so that restaurants have transitioned to 'take out only' and other businesses have struggled to find proper staffing. The need for housing is growing.

Part of what drew us to the area was the friendly neighborhood and all of the people who welcomed us. It was a true community. Our next-door neighbors, the Stillwells, offered to have us stay at their home for free to supervise construction. On the other side of the lot, we discovered we had many mutual friends with the couple who owned the house and have continued to exchange our crab for their baked treats for over two decades. We are not just neighbors, we are friends. We care about our neighbors. For example, during construction, we realized the roof height was slightly too high and voluntarily had our contractor re-check and reframe the house, so the roof was the proper height. We did that because we didn't want to impact the view of our neighbors behind us, across the street. We also spearheaded the project to have utility lines buried to protect them against storms and increase the beauty of the view. When some residents said they couldn't

pay, we voluntarily made up the difference, because we realized what was good for us, was good for everyone.

We 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. This saddens me.

We appreciate your attention to this matter,

Sincerely,
Elisa Kayser Klein

Lynn Tone

From: Public Comments
Sent: Tuesday, January 10, 2023 3:55 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: draft STR ordinance

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

From: John Leigh <leighj2717@gmail.com>
Sent: Tuesday, January 10, 2023 2:28 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: draft STR 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.]

Hello. The proposed 100 sq ft minimum for a two-person bedroom seems arbitrary. My STR is quite small and has only one bedroom, 75 sq ft. That is plenty to fit a queen bed. Also, a loft nicely accommodates a bunk bed. The house is small and cozy and is perfect for a couple or a family. For a small house, there should be allowance for a small (but adequate) bedroom and a loft. Thank you for considering my comment.

Lynn Tone

From: Public Comments
Sent: Tuesday, January 10, 2023 12:42 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR proposed changes

From: Keith Campbell <telictoo@gmail.com>
Sent: Tuesday, January 10, 2023 11:22 AM
To: Public Comments <publiccomments@co.tillamook.or.us>
Cc: Mason Pfrimmer <mason.pfrimmer@vacasa.com>
Subject: EXTERNAL: STR proposed changes

[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 Committee members:

We have a STR property in Pacific City. This property has been in rental rotation for the past 24 years. Generally, the proposed rule changes are reasonable and we can appreciate the necessity to work cooperatively with permanent residents.

There are several issues however that are not accounted for by the proposed regulations.

1. STR properties are not evenly distributed throughout incorporated areas. For example, some areas are comprised almost entirely of STR properties. Other locations may have two only side by side in a neighborhood and no others. The 250 ft requirement would mean one owner could retain their certificate the other would not - this is inequitable. Also, how would that be determined?
2. The 250 ft. proximity is too much. Property line setbacks for homes are a fraction of that requirement. This has the prospect of eliminating a third to half of STR rentals in some areas.
3. Related to #2 - some areas are almost entirely STR homes already. These changes mean that some people will be winners under the new system and others will be hurt.
4. It doesn't appear that the County is considering the severe economic impact to not only the home owners but to affected businesses and subsequently to County revenues. The proposal, as written, has significant potential to diminish businesses, services and to suppress the economy throughout the county, STR caps at current levels would at least forestall some of this. As written, there will be a significant loss of properties and the income generated for the local economies.
5. It appears that major beneficiaries of these rule changes will be the formal lodging industry (e.g. resorts, motels, etc).

Please consider a provision for current STR homes to qualify for certification with the approval of adjoining neighbors. Some of us have lived in harmony with our next door neighbors for years/decades. The proposed changes seem to be targeted toward some (minority?) residents complaints rather than majority interests. These folks have valid concerns. I believe that an enforcement system that addresses noise, overflow and bad behavior by guests through loss of their STR certification is preferable to the proposed structural changes that affect everyone.

Respectfully Submitted,

Lynn Tone

From: Public Comments
Sent: Tuesday, January 10, 2023 10:30 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Tillamook County Commissioners and STR Advisory Committee

From: Anna Bananna <ajcolaric@aol.com>
Sent: Tuesday, January 10, 2023 12:14 AM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Tillamook County Commissioners and 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.]

To: Tillamook County Commissioners and STR Advisory Committee

From: Wayne & Anna Colaric

We would like to provide you with some comments and questions regarding Short Term Rentals.

*Our home is in Netarts. We are in favor of Short Term Rentals and the Oregon Coast has been a popular short term vacation location for well over 100 years. Netarts is no exception. People who buy property in areas that have historically been tourist destinations, should expect and understand this. It's like buying property in the flight path of an airport and then complaining about the airplanes. Tourists love Oregon and who can blame them?

*When we bought our Netarts home, we were not anonymous outsiders looking for an investment opportunity. I was born and raised in Oregon. I graduated from Portland State University. My Norwegian great-grandparents left Norway and emigrated to Astoria. My parents retired to Netarts over 30 years ago, where my Mother continues to live. We spend several months a year with Mom, and in 2015 bought a home 2 miles from her. We're senior citizens who still work and have adorable grandchildren who love Netarts.

*Our home had been a Vacation Rental, but the license had lapsed while the house was for sale. We upgraded the home and in 2018, obtained a new Short Term Rental License and have continued to comply with County regulations. This isn't always easy, as the County keeps changing the rules and raising fees.

*We're not rich and we didn't buy our house to make it a permanent rental or get rich. When we aren't using it, we rent it to vacationers to offset the cost of owning it. This is exactly what many Oregonians have been doing for years. This is a way for an average family to enjoy a home on the coast, or be close to family they love, which would otherwise be out of reach and reserved only for the wealthy and elite.

*We don't understand the unequal treatment of Vacation Rental properties. For example, there is a county wide noise ordinance for Vacation Rentals, yet none for other properties. Why not a noise ordinance for everyone? We have heard plenty of late night noise coming from homes that are not Vacation Rentals, yet there is no enforceable restriction in place.

*When we're not in Oregon, we live in Scottsdale, Arizona. Scottsdale attracts a huge number of tourists. We have lived next door and across the street from two Vacation Rentals. During that time, Scottsdale had none of the restrictions currently in place in Tillamook County. The only issue we ever had with these two Vacation Rentals, was a fork that somehow ended up in our backyard. We're not saying there are never problems with renters, just that we haven't experienced any. We have experienced lots of issues with property owners, and unlike Vacationers, they don't leave in a few days!

*Lastly, we don't resent the thousands of tourists who flock to Scottsdale to escape cold and rainy winters. We understand why they visit and know their tourist dollars are good for the economy. Of course, it is annoying having busier streets, lost drivers or people driving 30 mph in a 45 zone. That's life!

We believe most Oregonians go out of their way to be kind, friendly and welcoming to visitors. We're all tourists sometimes....

Thanks for listening.....

Lynn Tone

From: Public Comments
Sent: Tuesday, January 10, 2023 10:30 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: County Official Negligence relating to STRS

From: Chris <chrismariebinge@gmail.com>
Sent: Monday, January 9, 2023 11:13 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: County Official Negligence relating to 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.]

County officials by law must be neutral and unbiased.

I would like to sight the negligence of our Tillamook County officials in hiring Dan Kearns with our tax dollars, to orchestrate these incredibly outrageous "draft" ordinances against STRS. Dan Kearns and his law office have an indisputable background and public stance against STR ownership, with several public articles and public records clearly showing his stance against STR ownership including "27" comments and statements against STR ownership.

The county officials have ignored the STR committee's recommendations and have instead come up with their own draft ordinances. If the county ignores the large amount of public comments, constituents, and STR committee's thoughtful advice and chooses to listen to Dan Kearns (a clear advocate against STRS) they are heading for an expensive legal battle with the tax payers money. I am sure that will please Dan Kearns, who has already been involved in advocating against STRS on the entire Oregon Coast, and lining his pockets by making a career off finding loop holes to try and remove property rights as well as block and reduce overnight visitor access to the Oregon coastal zone.

This is your wake up call Tillamook County Officials.....

You have a chance to do the right thing. I urge you to do the right and ethical thing here before your integrity is questioned before the highest court of law. Or you can continue to put all of your trust in Dan Kearns, and keep documenting the blatant biased stance on the STR community and ignore the recommendations you were given by the STR advisory board that was put in place to work on your constituents behalf.

What will you do?

Christine Binge

Lynn Tone

From: Meadow Davis <meadowandcorey@gmail.com>
Sent: Tuesday, January 10, 2023 11:50 AM
To: Lynn Tone
Subject: EXTERNAL: Jan 10 STR Ordinance 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.]

Hello Lynn,

I have read through the draft STR Ordinance and support the terms in it. As I have mentioned in previous emails, we consistently sell more real estate in Neahkahnie every year than any other broker(s). While the new Ordinance will have a learning curve for realtors to understand it fully and be able to explain it to their buyers/clients, overall I believe the restrictions on STRs will positively affect property values in our area. It would be wonderful to see a bullet point type document or FAQs we could share with buyers/sellers once this Ordinance is adopted— which could then point them to the full Ordinance as their due diligence in a purchase.

Thanks to everyone for all of their work on this important Ordinance.

Regards,

Meadow



Meadow + Corey Davis | Home + Sea Team
Cascade Hasson Sotheby's International Realty

m: 503.812.9543
e: meadowandcorey@gmail.com
offices: Manzanita | Cannon Beach | Gearhart

Live Listings Data & Statistics
at www.homeandsea.us



Lynn Tone

From: Loren Krebs <krebs4748@gmail.com>
Sent: Wednesday, January 11, 2023 2:19 PM
To: Lynn Tone
Subject: EXTERNAL: Draft Proposal for new STR requirements and 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.]

My wife and I have been coming to Neskowin for many years. First as STR renters and then purchasing a vacation home in 1994. Finally, we moved here full time to a home we built in the Village in 2020. We have made Neskowin our home.

We support the Draft regulations for STR's and hope they will help solve many of the problems we are currently dealing with. In recent years, the number of STR's has increased exponentially and it has had adverse effects on Neskowin's livability. We live near several STR's and have spent far too much time cleaning up garbage that has been scattered by bears, raccoons, and crows. We have a rental house nearby that fills a garage, and a wide driveway with cars and then have the overflow park in the street. 10 or 12 cars are not unusual and the cars in the street effectively make Breakers Blvd a one-way street. We understand and support that this is a recreation community, but we also see the need for better regulations to control the number of STR's before we lose the charm of Neskowin.

We do have some additional issues we would like to see considered:

1. We would like to see a limit of one STR permit per owner. This would eliminate a person buying up multiple properties and operating as a rental business in a residential area.
2. We would hope that rental management companies would be prevented from owning and operating an STR for their own benefit. Again, operating solely as a business in a residential area.
3. We would like to see a 100-day limit on the number of days a property owner can rent their property each year. Again, making it less likely that an owner purchases a Neskowin home purely to make a profit.

We really appreciate the effort the county has put into this new draft and look forward to the final product.

Thank you,

Loren and Cheryl Krebs

Lynn Tone

From: Lauri Braich <tbraich@bendbroadband.com>
Sent: Wednesday, January 11, 2023 6:30 AM
To: Lynn Tone
Subject: EXTERNAL: STR Rules

[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 read the STR Rules and guidelines and encourage the County to approve this. One addition....I feel strongly all STR need to be required to have bear proof garbage cans. Overturned STR garbage cans are a big problem for the local communities and NEEDS to be addressed! These STR rules and guidelines are greatly needed and will go a long way to keep our community's safe, peaceful and enjoyable for all. Thank you, Lauri Braich

Sent from my iPhone

Lynn Tone

From: Steve Stewart <drdemento.stew@gmail.com>
Sent: Wednesday, January 11, 2023 8:40 AM
To: Lynn Tone
Cc: Tom Prehoditch
Subject: EXTERNAL: STR Ordinance 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 Sirs,

I have reviewed the proposed revisions to the Tillamook County STR ordinance and would like to offer comment. Firstly, I view this as a major step forward in addressing the myriad of problems associated with the proliferation of STR's in my community of Neskowin. Most importantly, limits on the number and density of rentals insures less encroachment on neighborhoods not able to accommodate the traffic, parking and noise issues. It seems as though the indemnity provisions make it fair to those ultimately excluded via the new provisions.

Secondly, I would suggest adding provisions for local homeowners to appeal specific aspects of the permit process. This applies to allowable occupancy as related to two limiting requirements including parking and emergency exits for bedrooms. Scrutinizing these requirements finds the county allowing non compliant parking(inadequate space, no qualifying ingress/egress) and inadequate upper level bedroom exits(not open to accessible through ways). There is no current effective way to question or challenge the allowances.

Lastly, none of this matters without additional provisions for compliance enforcement. Leaving that in the hands of homeowners or their agents and the understaffed Sheriffs Department is a recipe for neglect. A dedicated Compliance Officer with a paid commitment to ensuring fair and equal application of the requirements of the Ordinance is critical to effective management of the provisions.

Thank you for your consideration,

S. R. StewartMD
4405 Sheridan Ave.
Neskowin,OR 97149

Sent from my iPad

Lynn Tone

From: Russ Williams <mgc4me@gmail.com>
Sent: Wednesday, January 11, 2023 6:40 AM
To: Lynn Tone
Cc: Tom Prehoditch
Subject: EXTERNAL: STR input

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

We live next door to a STR in Neskowin. We are about a mile north of the village. When we bought our home in 2017 the house next door was not a STR. We would not have bought our home if there was an STR adjacent to it then. The house has been sold twice and both new owners have turned the house into a STR. We have lived through and witnessed numerous issues with the rental. Some of the problems include, Too many cars (9 in one instance), late night parties and noise, Garbage overflowing from the can and strewn in the street, Cars impacting the egress of the street. We believe STRs are a business operating in an area zoned for residential use and need to be treated and regulated as such. An STR is equivalent to a neighbor operating an auto repair shop from his residence, both are uses of a residential zoned property operating a business. STRs also do nothing to enhance the community. I feel the county has failed homeowners by allowing residential zoned properties to operate a business. The absentee owners do not live here, participate in community activities such as service groups or volunteer work. Realtors have their share of blame for STR growth, since they often promote homes they sell as investment opportunities with STR income.

Russ Williams
47225 Hillcrest Drive
Neskowin, Or.

Lynn Tone

From: Public Comments
Sent: Thursday, January 12, 2023 10:23 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR draft

From: Karen Jackson <manager@awlpropertiesllc.com>
Sent: Wednesday, January 11, 2023 9:28 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STR 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.]

Dear Tillamook County,

I am a homeowner of a beautiful A-frame cabin in Falcon Cove. We purchased this cabin in 2021 as an investment property. Our hope is to perhaps retire there one day and have this property for our children and their children to enjoy. Like many investors, we can afford this by using it as a short term rental.

We are in support of sensible limits and regulations of short term rentals. However, the most recent "draft" proposal is absolutely shocking. Eliminating our permits which are tied to our land violates our rights as property owners. In addition the onerous regulations that only single out STRs are not based on data and discriminate against us. For example, requiring a closet for a bedroom is not necessary for health and safety. Nor does eliminating lofts as sleeping areas. The proposed language would make my A-frame not eligible. My loft sleeps 4 comfortably and safely. My downstairs bedroom has an armoire. If these regulations are placed only on STR owners, that is not fair nor necessary. Any proposed rules should apply to all homeowners. Why would a neighbor with an A-frame be allowed to host friends and family, but me lose my investment for a similar property? Same with parking, birthday parties etc. Any regulations should be universal to all properties in the county.

I attended the advisory council meeting this week and was flabbergasted to hear the discussion and further outraged that the comments by the public in the chat were ignored and not recorded and we were not allowed time to comment. It seems as though you are ignoring the community. I had previously been encouraged by what I observed and read about the advisory council, then came this draft and the hiring of a lawyer known to be trying to squash STRs on the coast.

Please stop vilifying us and work with us. We want what's best for the communities. We invest heavily in our properties. We have spent nearly \$200,000 restoring our cabin which was neglected by the previous owners who used it on weekends. The house next door is an absolute eye sore, overgrown and dilapidated. The county does not seem to care! We pay taxes and create jobs and generate revenue for the county. Please work with us and not against us. Nobody wants a fight, but I'm afraid that this unfair course of action will surely result in litigation. Many of us are seeking representation as I write this.

I hope the council will focus on enforcement of current regulations and look forward to learning of more reasonable improvements as necessary.

Sincerely,

Karen Jackson
44935 2nd Avenue, Arch Cape

Karen Jackson
manager@awlpropertiesllc.com

Lynn Tone

From: Erin Skaar
Sent: Thursday, January 12, 2023 9:21 AM
To: Lynn Tone
Subject: FW: EXTERNAL: [Erin Skaar] STR Comments



Erin D. Skaar (she/her) | Chair
TILLAMOOK COUNTY | Board of County Commissioners
201 Laurel Avenue
Tillamook, OR 97141
Phone (503) 842-3403
Mobile (503) 812-9877
eskaar@co.tillamook.or.us

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From: Tillamook County OR <tillamookcounty-or@municodeweb.com>
Sent: Monday, January 9, 2023 10:12 AM
To: Erin Skaar <eskaar@co.tillamook.or.us>
Subject: EXTERNAL: [Erin Skaar] 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.]

Tom Gibson (tagibson67@outlook.com) sent a message using the contact form at <https://www.co.tillamook.or.us/>.

My wife and I have lived next door to a large (5BR/3BA, sleeps 12 per VRBO listing) in Netarts for over 3 years. We have had a few negative experiences, mostly with parking - either guests with more cars than the listing states are allowed or guests that park inefficiently/have huge vehicles. The owner and property manager have been good neighbors and nearly all of the guests have been good neighbors too. I fully understand permanent residents' frustrations with STRs.

My wife and I are also in the process of buying a new construction home (also in Netarts), with plans to STR our current home. We have our STR permit and shortly after the new house is finished we will begin renting the current house. This investment in real estate constitutes the bulk of our retirement plan. We will live where we can see our STR right out the living room windows, and plan to manage the property ourselves. We are long term residents that love Tillamook county. My wife was born here, we have lived here for nearly 18 years, raising a family along the way. Like many other STR owners, we live and work in Tillamook county.

The vast majority of STRs in Tillamook county are second homes owned by local or at least regional families that love and care for their Tillamook county property. They are not owned by faceless corporations that only care about profit.

From the discussions I've seen, the county is considering many options with regard to STRs. My thoughts on the issues being discussed:

Parking - I'm all for more stringent parking enforcement, but curious about what that looks like. When an irresponsible guest shows up with too many vehicles, what solutions are available? A fine is great for county coffers but will only be effective if it can be passed along to the guest. The host can only state parking capacity. The host cannot prevent a group of guests from exceeding that capacity. An ordinance/rental agreement that includes a \$500/vehicle/night excess vehicle fee might make some guests reconsider their vehicle plans. If you're going to institute a parking fine, make it big and make the guest responsible.

Garbage - twice a week service is great for a large home with many guests. For a small STR that only sleeps a few people it's probably overkill. If there is to be a twice a week garbage mandate, it should only apply to homes over some threshold for guest capacity. For example, if guest sleeping capacity is 8 or more, twice weekly garbage service is required. Possibly even a guest nights/week threshold? A large home with few or no guests does not require twice a week garbage service. The STR next door, owned by a responsible family from Vancouver whose family has been visiting Netarts regularly for decades, does this of their own accord during the busy summer months.

Transferability/Renewal - STR permits should be transferrable through sale or inheritance, and permits should be reviewed/re-inspected periodically. Is that period 5 years? 10? 3? That's up to you but a 5-year permit review/re-inspection schedule seems reasonable.

Housing Shortage - STRs are not a significant source of stress on housing availability. The housing shortage in Tillamook county is primarily an affordable housing shortage and very few STRs would qualify as affordable by most definitions. Low income working people and families do struggle to find adequate housing, but by definition very few to none of those people would be looking for ocean view homes.

Summer Home Tradition - as with most coastal communities, there are many summer/vacation homes along the Tillamook coast. This is as normal and expected as rain in January. Neskowin, Oceanside, Manzanita - these places were built as vacation destinations and were never intended or planned with long term permanent residency in mind. To some extent, the permanent residents of these areas are the exception, not the rule. They have chosen to live in a vacation destination. How dare they cry foul when people continue to vacation in these areas? How many of them fell in love with their favorite vacation destination and bought property so they could retire at the beach? Now they complain about the vacationers? Pot, kettle. Kettle, pot.

Tourist economy - the downward pressure on traditional manufacturing and farming employment are real and not relenting any time soon. Tourism, on the other hand, is on the rise and long term trends are for more visitors not fewer. The tourists are coming. We can either make it easy for them to spend their money in Tillamook county or we can force them to stay in Lincoln or Clatsop county and hope they stop at the creamery on their way through our little crossroads by the sea. Maybe they'll buy gas at Fred Meyer if we're lucky. Limits on the number of nights an STR can be rented can only harm the tourism economy - and reduce county revenue from STR taxes.

In short, the county needs to adopt pro-STR policies that address neighborhood concerns over parking and garbage in a meaningful way but also encourage our growing tourist economy in an equally meaningful way. Limiting STR permits will not alleviate the affordable housing shortage. Limiting the number of nights an STR can operate only diminishes the economic opportunities from tourism and property values (and by extension, property taxes).

Thank you for your consideration,.

Tom Gibson
503-457-6333

Lynn Tone

From: Public Comments
Sent: Friday, January 13, 2023 1:52 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Jan 9th STR draft ordinance

From: Tialen Kelley <tialen@tialen.com>
Sent: Thursday, January 12, 2023 3:27 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Jan 9th STR draft 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.]

Hello,

Requiring a homeowner to be available and within 20 minutes of their property at all times 24x7 (when even our own fire and police services do not provide this type of response times) is utterly ludicrous and a debilitating burden for non-corporate short term property owners, this requirement will either cost normal people like me a ton of money to have a 24x7 on call service or cause us to have to list our properties with a large corporate vacation rental company that can provide the service.. I have a single residence, this requirement is completely untenable, overly burdensome, and I'm pretty sure wouldn't stand up to its day in court.

Regards

Lynn Tone

From: Pat Mulvihill <patmulv@gmail.com>
Sent: Saturday, January 14, 2023 6:13 PM
To: Lynn Tone
Subject: EXTERNAL: STR issues

[**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. My wife and I would like to be on the contact list for proposed STR changes etc. We own property in Neahkahnne and are registered for short term rentals. We heard about the most recent meeting from a neighbor but by then it was too late to join in. Is it too late to submit comments on the proposed ordinance? If not when /where and how is the best way to do so?
I hope you are the right person to contact - if not can you forward this request to the appropriate place? thank you for your help Pat Mulvihill

Our Family Sanctuary

Made Possible Through Our Ability Share It With Others

To Whom It May Concern @ Tillamook County STR Advisory Committee.

When we first heard that changes were being considered to the Short Term Rental ordinance, we thought 'it's about time'. However, as we heard the chatter & saw the latest draft, we remain supportive of some changes, but have concerns about the severity of the changes. Critical elements around Safety & Infrastructure require evolution, but many of the proposed changes swing the pendulum so aggressively that it will constrict the accessibility for the families who rely on STR income to afford & support the Coastal community.

I (Jason) was born on the Coast - literally at home, overlooking the Pacific Ocean. While growing up in the valley, then moving around the country for several years, my family eventually landed back on the west coast. Being back here gave us the ability to spend time at the Coast; an opportunity to get away from the daily grind, the special place to teach my daughters to fish / crab, learn to paddle board, kayak, roast s'mores, watch the wildlife, explore the trails, hike the dunes, and explore the tidepools....it represents something even deeper for me & my family: Having lost both of my parents prematurely, we spread their ashes in the Pacific Ocean, so when we go to the Coast, I'm actually visiting my parents.

We purchased our Coast House in Pacific City in 2019 so we'd have a place to **create & cultivate our memories** together. Economically, the way we afford to keep

the house is by sharing it with others. We manage the house ourselves, and take a ton of ***pride in not only how we support the community, but also how all of our guests support & respect the community*** - starting with our specific neighborhood.

Again, while we totally understand ***the need to evolve to keep up with the impact of additional traffic & visitors, we strongly urge the Committee to consider how these changes also impact the economic viability of the existing STR holders***. The specific area of concern for us is the potential expiration of existing STR licenses. Without the STR income, it would make our investment nearly impossible to maintain. ***It is our suggestion that those who hold existing STR licenses - and are in good standing - be able to maintain continuity of their STR license.***

We look forward to learning more about the STR changes, and hope our story contributes to a balanced approach to the required changes to the ordinance.

Sincerely,

Jason, Deb, Elizabeth & Brooklyn Babkes



Lynn Tone

From: Erin Laskey <erinlaskey.realty@gmail.com>
Sent: Monday, January 16, 2023 4:38 PM
To: Lynn Tone
Subject: EXTERNAL: STR

[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 there!

I wanted to reach out after reading through the STR regulations draft put out by the county. I have a couple questions and comments.

First off I couldn't really find what the Sub-cap would be. Could you explain this to me?

Secondly, I think all the regulations sound pretty fair, however I think the 250ft radius is a bit much. Especially in areas where the lots are 5,000 sqft. I do agree density of STR is important to regulate however I think 150 would be much more fair for lots 5,000ft and less. Maybe the 250ft could be for lots bigger than 10,000sqft?

And Thirdly, the compensation segment of the regulations seems super problematic. I hate the sound of tax payers being on the hook for homeowner's "proven" income loss. I would suggest that all the current homes with STR licenses are grandfathered in, but grandfathered licenses are non-transferable.

Thanks for your time :)

Erin Laskey
Oregon Licensed Real Estate Broker
Cascade Sotheby's International Realty
467 Laneda, Manzanita, OR 97130
503-809-9434
erinlaskey.realty@gmail.com

Lynn Tone

From: Sarah Absher
Sent: Tuesday, January 17, 2023 4:24 PM
To: Lynn Tone
Subject: STR Committee Public Comments- Business Need in Tillamook County Suggestion

From: Gus Meyer <gusmeyer9@gmail.com>
Sent: Tuesday, January 17, 2023 4:15 PM
To: EDC DIR TERRE COOPER <terrecooper@tillamookbaycc.edu>; Nan TLT <nan@tillamookcoast.com>
Cc: Erin Skaar <eskaar@co.tillamook.or.us>; Mary Faith Bell <mfbell@co.tillamook.or.us>; Sarah Absher <sabsher@co.tillamook.or.us>; Rachel Hagerty <rhagerty@co.tillamook.or.us>
Subject: EXTERNAL: Business Need in Tillamook County Suggestion

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To All:

The County STR Advisory Committee has heard from more than five concerned sources (STR owners and Agents) that STR clients are looking for "**Family**" attractions during their leased STR dwelling time in Tillamook County,

I look forward to your support of providing businesses, in addition to our lovely beaches, for family entertainment. Oh Yes, we have individualized parks, beautiful trails, and interests for the older - elders. At the minimum a listing of short term "**Family**" attractions.

But we don't have - strictly for thought provisioning - a "Lone Wolf Park", A "Bull Winkle Moose Park", a "Chuck-E-Chesses's Arcade" or any other local "Family" business attraction as a young family STR drawing card. Rockaway Beach has a small arcade , and a "Pronto Pup" for short time entertainment - as well as a number of other short time entertainments for the "**Family**".

The alternative we personally previously found was sending our young family to "Lone Wolf' Park" in Washington for two days at the additional cost, taking local support revenue out of our county and state.

A missing business opportunity?

Let the kids and family kick up their heels delightfully, other than just limited access to the beaches.

Food for thought!

Gus Meyer,
Local Advocate.

Lynn Tone

From: Erin Skaar
Sent: Tuesday, January 17, 2023 4:51 PM
To: Lynn Tone
Subject: FW: EXTERNAL: [Erin Skaar] Proposed STR Ordinance



Erin D. Skaar (she/her) | Chair
TILLAMOOK COUNTY | Board of County Commissioners
201 Laurel Avenue
Tillamook, OR 97141
Phone (503) 842-3403
Mobile (503) 812-9877
eskaar@co.tillamook.or.us

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From: Tillamook County OR <tillamookcounty-or@municodeweb.com>
Sent: Tuesday, January 17, 2023 3:03 PM
To: Erin Skaar <eskaar@co.tillamook.or.us>
Subject: EXTERNAL: [Erin Skaar] Proposed STR Ordinance

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Margaret Page (margaret@coast-pros.com) sent a message using the contact form at <https://www.co.tillamook.or.us/>.

Erin, I am writing with concern & opposition to the process that is being used to steamroll a new ordinance for Short Term Rentals in Unincorporated Tillamook County., as its primary purpose appears to be to phase out the transient lodging use of privately owned homes here. Specifically:

- 1) It will cause severe economic hardship to owners of beach community homes who will not be able to afford to keep them. They will lose them to foreclosure or possibly have to sell them at a loss.
- 2) It will cause severe economic hardship to the tourism industry in our County. Unlike Clatsop or Lincoln, we do not have enough hotels or motels to accommodate tourism. Just try to organize any event like a retreat or seminar--no convention center, no meeting rooms close to hotels or motels, etc.
- 3) It has already hurt real estate values. Every Realtor in my sphere as President of the Tillamook County Board of Realtors has lost clients & sales due to the pause, & now the threatened draconian future restrictions.
- 4) It will not alleviate the shortage of workforce housing. People buy beach houses because they want to use them, not because they want to rent them out on a long-term basis.

There are some good ideas in the proposed ordinance. Requiring sufficient on-site parking for the number of guests, limiting the number of people that can be spending the night, requiring use of trash storage containers. BUT the 5 year

phasing out of existing permits is & the prohibition of more than one STR in a 250' radius is not the best way to control the numbers of STR's.. How does that work in a place like the Proposal Rock condos in Neskowin, or along Pacific in Oceanside? In my opinion, these new restrictions & rules are illegal takings.

I also would like to state that the attempt to couch all this as "not a land use ordinance" is sneaky & underhanded & will probably embroil the County in decades of litigation. Regulating how one may use their property is land use. Please ask Community Development & Mr. Kearns to stop playing games.

Finally, I don't understand what the panic is all about. We don't have a short term rental problem in Tillamook County. 5 complaints over a year's time does not constitute a problem. If this is how the County is attempting to eliminate any & all of these types of complaints, what's next?--requiring all men & women to live separately to avoid domestic abuse complaints?

Please slow down. If you, David & Mary Faith pass this. I think you'll be bringing the wrath of God down on your heads.

Lynn Tone

From: Public Comments
Sent: Wednesday, January 18, 2023 9:38 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Comments on proposed replacement of Ordinance #84 (STRs)

From: Ken Willett <ken.willett@gmail.com>
Sent: Wednesday, January 18, 2023 9:17 AM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Comments on proposed replacement of Ordinance #84 (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.]

Comments on Proposed Short Term Rental (STR) regulations in Tillamook County

Ken Willett – 1/10/2023

We purchased land and had a house built in Nedonna Beach in 1986 and have owned the house continuously since then. We built it for use as a family vacation home, and also for the enjoyment of our extended family and friends. We also donate use of the home to a number of Oregon charity auctions. Part of the time the house is rented, to help cover the significant costs of owning a vacation home.

When Ordinance #84 was enacted, we were willing to comply voluntarily with these requirements because it was clear they were developed to provide for health and safety of STR guests and to make STRs good neighbors, even though the costs to us as homeowners were significant.

The proposed replacement for Ordinance #84 seems to have a completely different purpose; to severely limit the number of STRs in the county. A number of provisions of this proposal would affect us directly, and also have the indirect effect of injecting uncertainty into our plans to rent the house in the future. They also directly affect the value of the property since a buyer would have no assurance that they could continue to operate as an STR.

I believe STRs serve an important role in the Tillamook County tourism economy, helping to provide a spectrum of housing for visitors that ranges from individual hotel rooms to complete homes. Our rental guests choose our house because it is large, in a quiet neighborhood, and they can choose to cook their own meals, bring their dogs, barbeque on the deck, and enjoy the hot tub. A severe limit on STRs will affect the overall tourism economy, because visitors who can't find a comfortable STR in Tillamook County will travel elsewhere.

Over 35 years of owning the home and having paying and non-paying guests, we have only had two complaints. In both cases these were addressed by a phone call to the guests, who knew their ability to use the home in the future depended on their following the rules. I believe the experience of other STR owners is similar, and we haven't seen significant issues in our neighborhood where there are quite a few STRs in addition to ours.

I strongly believe that the current Ordinance #84 is working well, and with minor adjustments and consistent enforcement it can be improved. But a complete replacement with much more stringent restrictions is likely to drive

many STR owners to just operate outside the county regulations, which will result in lower compliance with health and safety regulations as well as lower fee revenue to the county.

- Ken Willett

Lynn Tone

From: Ingrid <stompinginpuddles@radduo.com>
Sent: Wednesday, January 18, 2023 11:41 PM
To: Lynn Tone
Subject: EXTERNAL: Homeowner's Comments Regarding STRS 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 those evaluating the impact of burgeoning STRS in Tillamook County:

As a homeowner and full-time resident on the outskirts of Neskowin proper, I submit this letter for your consideration.

About five and a half years ago, we decided to buy a home off the beaten path where we could enjoy the peace and beauty that is Neskowin. In the relatively short amount of time we've resided here, we have witnessed firsthand the impact of STRs which were overtaking neighborhoods until relief came in the much appreciated pause in allocating permits. The increase of traffic, trespassing, passersby gawking at private residences, pets relieving themselves, revelry ruckus, and other disturbances (a very short list of grievances and offenses) has made living here less enjoyable and at times quite frustrating. As a strong proponent of the belief a home should be the one place you feel safe and undisturbed, I would greatly appreciate any and all regulations to minimize the negative impacts of STRs on otherwise peaceful neighborhoods throughout Tillamook County. At the very least, a limit to the number of STRs permitted to operate in each neighborhood. They are, after all, businesses operating in residentially zoned areas.

I have been advised by the county, there is not yet in place a requirement that STR residences have emergency supplies stored on site. It is a concern of many residents that should a tsunami or other emergency befall the county, a lack of supplies for survival may cause mass panic of vacationers resulting in possible raiding of others' limited supplies. For the safety of everyone, STRS should contain a minimum of two weeks worth of emergency supplies (including bug-out bags with first aid kits, food, and water, at minimum), enough for the maximum number of rental occupants permitted in each rental dwelling.

To reflect just how much STRs have impacted us, I have attached a photo of a custom sign we have posted on our property. Each of the things listed has occurred, many repeatedly and on a continuing basis, year-round.

Thank you in advance for your thoughtful consideration.

Ingrid Kavli

*I graciously request a response to this email to let me know it was received.
Please withhold my name should this letter be published or displayed publicly.
Thank you!

PRIVATE DRIVE

No Delivery Trucks, Parking,
Turn Around, Trespassing,
Loitering, Kids, Pets, Photos,
Drones, or Geotagging

BEWARE MISANTHROPE WITHIN

Lynn Tone

From: Public Comments
Sent: Thursday, January 19, 2023 10:43 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Ordinance 84

From: Nedonna 117 <nedonna117@gmail.com>
Sent: Tuesday, January 17, 2023 4:53 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: 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.]

Evening,

I am writing this email from the perspective of a STR owner, as well as a life-long "visitor" to Rockaway Beach. As a personal history, my maternal great-grandmother emigrated from Canada to Rockaway Beach back in the 1920s. Extended members of my family continued to live in Rockaway until 1996 - when the last member of the family passed away.

Prior to 1996 my family would drive over from Portland and spend all summer enjoying the beach and mingling with residents and visitors alike. We stayed in the same hotel every year and my parents became great friends with the hotel owners. That hotel was devastated by the storms in the late 1990s and it no longer exists.

Regardless of the loss of our personal connections to Rockaway, we continued to spend at least a week every summer on the coast, but now in STRs. Staying in STRs versus hotels allows for more flexibility for family connections. There's space for games, and no fear of laughing too loud at a joke too late at night.

In 2020, just before COVID hit, my sister and I were able to purchase a home at Nedonna Beach. This had been something we'd wanted to do for a long time. Not because we wanted a money making scheme, but because we wanted a place our young families could make their own memories. We were also very excited to offer the opportunity for others to fall in love with the area as much as we have.

We know those memories aren't a good counter argument to limiting STRs in unincorporated TC. But know that we've never made a profit off the house- and yet, we've not considered selling at all.

We want to make sure this ordinance isn't being pursued based on an "us versus them" mindset, but rather from an objective point that includes reference to actual historical data, as well as long-term impacts.

I'd recommend looking at the 2021 Harvard Review research, perhaps reaching out to the authors of the study, regarding the negative long-term impacts of strict STR rules. In summary, cities with severe STR limits see an economic loss of \$40 million or more. They also see slower development, which negatively impacted the economic growth potential for full-time residents.

I agree there needs to be work in this area in order to better support long-term residents, as well as protecting the environment. But why is our first reaction to start banning STRs?

Have you considered or investigate other options- such as:

- Create an additional STR tax for unincorporated TC. Funds should be directed towards infrastructure the residents believe are most important: flooding, education, affordable housing, climate.
- Require STR owners to donate to local 501c organizations, or give back to the community in some specified way. (For example: We are members of the Nedonna HOA, and for the past three years have donated \$7,500 a year to the North County Recreation District. I've also been a debate judge for Neakhani High School.)
- Put a cap on nightly rental costs to keep STRs in line with long-term rental costs.
- Require management companies to hire maintenance and cleaning staff as W2 employees with benefits, reducing the seasonality of wages.

It would be impossible for us to meet the proposed 20 minute drive expectation, in addition to the limits you are proposing. Though we wouldn't sell the house, we'd have less financial flexibility to support local businesses and charities.

Please feel free to contact me if you have any questions or want more information.

Good luck with the difficult decisions ahead of you.

Katherine and Dustin Somner
Heather and Benjamin Lee
26180 Nedonna Ave

Tillamook County
Short Term Rental Advisory Committee

Regarding Restrictions to Short Term Rentals

We have owned a home in Pacific City, in Shore Pine Village, for more than 20 years, and have been part of the Pacific City community for more than 50 years. Our home has been rented out as a short term rental for most of that 20 years. We use a property management company (Kiwanda Coastal Properties) to manage rentals and any problems that might arise. Our experience over this time has been extremely positive. The management company provides excellent service, our neighborhood keeps close tabs on community-wide problems. Yes, periodically a problem might occur but rental management is an evolving process and issues like noise and garbage and parking are easily handled by local representation.

The house is mostly rented June through September, and much of the year it is lightly used. In spite of a truncated rental year, we see it as an economic engine, generating enough income for us to afford and maintain a second home in Tillamook County. We earn about \$20k per year and with management fees, licenses, supplies and maintenance that really amounts to \$11-12k. This amount has never covered the mortgage cost, property taxes and all the utilities that go along with owning a house. But we enjoy having a place at the beach and sharing our place with both friends and family, and with others who can afford to rent it makes a practical option.

Some things to consider:

Pacific City has very few hotels. Without short term rentals, very few people would be able to enjoy our beautiful surroundings.

Vacation homes offer the advantage of a group setting hotels can not. Multiple bedrooms, a kitchen for breakfast and lunch; space for games.

Without short term rentals most people would only be able to visit the beach for a single day, resulting in fewer services used and less money spent.. For Tillamook County Short Term Rentals result in more business and lodging tax, more jobs, and new businesses.

Finally, the issue of property value. Short Term Rental may be the deciding factor for someone purchasing coastal property. Confusing, unnecessary and constantly changing regulations does not make property any more valuable. Our property value in Shore Pine Village has only increased over the years because of the attractiveness of the setting and the demand. Our community has made short term renting a non-problem by closely monitoring it and it is an amenity to owning a home in Shore Pine Village and Pacific City. Tillamook County could hamper itself by making it an unfriendly environment for home ownership. Restricting renewal permits will raze havoc with homeowners and property managers. Not being able to continue with a service that can be denied at the whim of Tillamook County jeopardizes our property values. Continuity and predictability are important. Mortgages and resale values would suffer. Property Managers business would similarly suffer with the loss of rental property

that is suddenly withdrawn from the market leaving families to alter plans made up to a year in advance.

The limitation of STRs within 250 ft is ridiculous. We have 5 neighbors with rental units within that distance. A managed development can easily handle multiple rentals within a small area.

Tillamook County is raising fees and licenses again. Short Term Rental seems to be a Cash Cow for the County. We have paid Tens of thousands of dollars in fees, taxes and licenses over the last 22 years of owning our beach house. In return for all this tax money, Pacific City finally got the intersection pothole paved.

In short, please consider the advantages of Short Term Rentals, not just the disadvantages. For much of Tillamook County STRs provide both home-owners and tourists a way to enjoy the Tillamook coast, to maintain ownership in a wonderful setting.

Brian and Barbara Patterson
5624 Wilson Ave S.
Seattle WA 98118

Lynn Tone

From: Jacqui Powell <powell.jacqui@gmail.com>
Sent: Friday, January 20, 2023 12:41 PM
To: Lynn Tone
Subject: EXTERNAL: STR feedback from a North County Realtor

[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 there!

My name is Jacqui Powell and I am a new realtor working with Pete Anderson Realty in Manzanita. I started in this line of work just six months ago. Meadow Davis sent out your information so you could have STR feedback from north county citizens. As a new agent, I still feel like an outsider on the inside of the real estate industry, but I've learned a lot over the last several months.

Regarding short-term-rentals specifically. I can't help but feel like there needs to be a middle ground in what the county allows. I've been a Tillamook County renter, and now I'm a Tillamook County homeowner (we purchased it in 2019). My husband and I, even with our double income household, would never be able to afford a home with today's prices.

Working with both local buyers and out-of-town buyers, I see such a vast difference in their potential investment in the community. I have several buyers who won't buy a home unless they can use it for a STR. Allowing unlimited STR's will only cause the cost of homes to go up and as a consequence the cost of long-term rentals. Tillamook County has an opportunity to promote local homeownership growth as a priority over the bottom line. Even following a Facebook Group called Tillamook County for Rent has shown me the community I want to advocate for.

Before real estate, I have worked in local restaurants for the last ten years. Our small community thrives off of the business we get from out of town visitors. But if there are so many second homeowners making a ton of money off of their Tillamook County homes, that money isn't going back into our community. It's going back to the community where their primary residence is. Is there a way that Tillamook County can incentivise a homeowner renting long-term over short-term?

I know this is a big decision for everyone. I hope you have received various forms of respectful input. Thanks so much for taking the time to hear feedback from the "new kid" in the biz.

Good luck with your decision making!
Jacqui

--
Jacquelyn (Jacqui) Powell - Realtor
503-505-1721
Pete Anderson Realty
Manzanita, OR
License #: 201242126

Lynn Tone

From: Public Comments
Sent: Friday, January 20, 2023 1:50 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Short term rental concerns and changes

From: A C <eugeneclark5@yahoo.com>
Sent: Friday, January 20, 2023 12:20 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Short term rental concerns and changes

[**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,
As the county is looking at ways to better manage the STR situation I offer my thoughts. I own a STR at 5835 Pollock Ave. Cloverdale that is managed locally by Vacasa.

Having owned a number of STR's over the years, I can absolutely say that when I used an owner operated model, and used VRBO or AIRBNB and Craigslist, I had very little control over how my guests treated my home or the neighborhood. ***The problems that occur with short term rentals overwhelmingly involve owner operators and people that use VRBO, AirBnb or Craigslist and these are the ones that are creating the problems for all of us.*** There is very little control of how guests will treat the property or the neighborhood and an inability to enforce the existing rules. However, now that I have used Meredith lodging and now Vacasa to manage my home I can be assured that there is a responsible local party who can deal quickly and effectively with complaints, either from the guests or neighbors. I have had no complaints from my neighbors in the 3 years of partnership with Meredith and Vacasa. Of course, it's more expensive than owner operated, but long term, it's better for everyone. My neighbors can call me or the local Vacasa person, Mason, anytime there is an issue.

I would encourage you to consider new guidelines and requirements that STR's be ONLY managed in this way by Vacasa, Meredith, etc and NOT by the owners through VRBO, Airbnb or a similar platform. It is far easier to implement STR rules and enforcement through a certified management company versus individual owners.

My thoughts,
Andrew Clark
541-912-0243

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Erin Skaar, Commissioner
Mary Faith Bell, Commissioner
David Yamamoto, Commissioner
Sarah Absher, Director, Department of Community Development

January 20, 2023

My name is Mark Roberts. I am a full-time resident living in Neahkahnie for nearly seven-years and a part-time resident for 20-years. I am very involved in the community: I was the Board Chair of the Neahkahnie Water District for 12-years, Treasurer for six-years for the nonprofit Hoffman Art Center and three-years for the North County Food Bank, facilities manager for the Manzanita Library, on the Tillamook County Planning Commission for 5+-years, active with the Emergency Volunteer Corps of Nehalem Bay (EVCNB), and on the budget committee for the Nehalem Bay Health District.

Heck, I'm also engaged as a Juror for Tillamook County during the entire month of January.

(Oh, and most full-time residents have similar levels of commitment to the community. My community participation is NOT remarkable – many community members exceed the hours and effort I put forth. It appears that Part-time residents and STR owners do not participate in the community fabric at anywhere near these levels. It takes a large number of volunteers to make a community livable.)

Professionally, I was an Industry Economist, Supervisory Financial Analyst, and Policy Strategist for 35-years at the Bonneville Power Administration.

I commend Sarah Absher, Director, and her staff for outstanding achievement in gathering pertinent information and preparing thoughtful documents regarding Short-Term Rentals (STRs) in Tillamook County. I appreciate this is a challenging task ... amongst many other on-going Department of Community Development responsibilities.

Obviously, this is a highly charged topic: many people have strong opinions, and many have significant financial interests in STRs.

General Comments

1 – In 2019 the Tillamook County Commissioners received a Final Report entitled: Strategic Vision and Action Plan for Tourism-Related Facility Investments Services. This report cautioned:

“There is a sense of urgency ... as the community is approaching a tipping point in terms of ‘over-tourism’. “**...where the negative impacts of disruption and congestion are overwhelming the local facilities.**” Emphasis added

The Report continues:

“Finding the best way forward **will require a careful balancing** of the impacts on the community, together with the economic investments can help the County meet the multiple goals of reducing negative impacts and congestion and deliver ongoing value to local residents.”

We are at the 'over-tourism' point now. Community members throughout the County know we are at an 'over-tourism' point. This is demonstrated time again via community level surveys. In Neahkahnie, 60% of respondents would favor STR limits, 25% are neutral, and only 14% oppose limits. Neskowin favors a 'percentage cap' on STRs at 59% of all respondents.

STRs are an essential part of managing and balancing this serious 'over-tourism' issue. Yes, there are other factors, other property owners and issues, that need to be addressed to manage this 'over-tourism' issue. No one is suggesting or promoting eliminating STRs - rather, we need balance.

2 – Housing in Tillamook, particularly affordable housing for people who work for a living, is scarce.

As Short-Term Rental advocates claim, STRs increase the price of housing (STR advocates word this as 'increase property values').

Regretfully the facts support this claim – STRs do increase housing prices. They are a successful 'business model.'

Further, STRs reduce the supply of housing. For example, the 22+% of dwellings in Neahkahnie now functioning as STRs were converted from full-time or part-time or long-term rental housing – they were NOT new additions to the housing stock.

Over 22% of the Neahkahnie housing stock is currently dedicated to serving short-term, transient tourists – not community workers or members. These facilities (they used to be homes) are frequently vacant a large fraction of the year.

This conversion of full-time, occupied dwellings, part-time, owner-occupied dwellings, or long-term rental dwellings into short-term rentals is occurring all over Tillamook County (actually, this is a world-wide issue – This is why municipalities in highly touristed communities world-wide have or are implementing caps, regulations, and stronger measures to ameliorate the economic and social consequences of this new business practice).

Academic studies underscore the increase in price and reduction in supply. According to the Economic Policy Institute:

“Rising housing costs are a key problem for American families, and evidence suggests that the presence of Airbnb raises local housing costs. The largest and best-documented potential cost of Airbnb expansion is the reduced supply of housing as properties shift from serving local residents to serving Airbnb travelers, which hurts local residents by raising housing costs.” *Economic Policy Institute, The economic costs and benefits of Airbnb, January 30, 2019*

During a break while on Jury Duty, I noticed the following chart in the main hallway in the Tillamook Court House. Housing prices have taken a large climb in Tillamook County – perhaps significantly more than the national average. See chart, below:

2022 Ratio Study - Supplemental Information
Average Sales Price of Improved Residential Properties - Area Breakdown
 2020 to 2021 comparison (Excludes Manufactured Homes & Condominiums)

Area	Area Description	Sales from 1/1/20 thru 12/31/20		Sales from 1/1/21 thru 12/31/21		% change in Price
		Number of Sales	Average Sales Price	Number of Sales	Average Sales Price	
1	Rural Tillamook Area	55	\$344,291	84	\$443,906	129%
2	Wheeler, Nehalem, Bayside Gardens & Rural North County	50	\$336,329	50	\$448,867	133%
3	Tillamook, Bay City & Garibaldi	158	\$264,318	189	\$324,439	123%
4	Manzanita, Neah-Kah-Nie, Falcon Cove & Pine Ridge	71	\$606,441	77	\$808,347	133%
5	Rockaway, Twin Rocks & Nedonna	155	\$355,860	137	\$492,674	138%
6	Rural South County	36	\$291,462	41	\$447,648	154%
8	Netarts, Oceanside & Cape Meares	97	\$479,220	98	\$587,103	123%
9	Pacific City & Neskowin	145	\$461,193	121	\$712,423	154%

(See another Court House chart at last page)

STRs say they increase property values

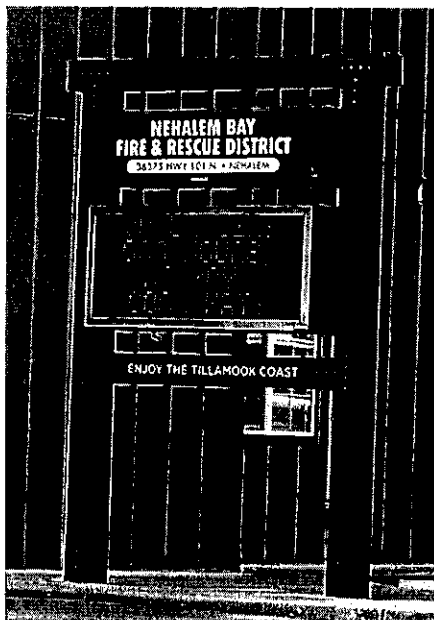
County statistics support this claim

Is this a good thing?

My belief is that permitting well over 1,800 income-rental properties in the form of STRs contributed to these housing price increases.

3 – I remain concerned that STRs are ‘hollowing out’ the community.

STR reductions in the housing supply, let alone increases in residential prices, inhibits other, non-tourism-related economic development. Nearby employers (tax preparer, pizzeria, tavern, retail establishment, internet-provider, etc) report difficulty finding and then keeping employees due to the lack of ‘essential worker’ wage-level housing. Employees such as nurses, nurse’s-aids, mid-level managers, acupuncturists, technicians, tax preparers, or food-servers all find it difficult to find housing.



I’m concerned that while enabling tourism-oriented economic development, the County is foreclosing on other, superior economic development options.

Where do volunteer fire fighters live?

Other ‘essential’ workers?

At one public meeting regarding affordable housing, folks said to ‘bus them in from the Valley.’

According to State of Oregon analysts, tourism-oriented employment is the lowest average annual paying occupation along the north coast ... see table below:

9 Annual Average Wage for Clatsop, Coos, Curry, Lincoln, and Tillamook Counties by Firm Size

	1-9 Employees	10-99 Employees	100+ Employees
Industries Combined	\$32,340	\$36,603	\$50,762
Agriculture, Forestry, Fishing and Hunting	\$43,423	\$44,925	-
Quarrying, and Oil and Gas Extraction	\$52,573	\$57,369	-
Construction	\$60,076	\$103,554	-
Manufacturing	\$36,809	-	-
Retail Trade	\$30,457	-	\$61,043
Trade	\$56,470	-	-
Transportation and Warehousing	\$23,335	-	\$30,334
Wholesale Trade	\$39,879	-	-
Health Care	\$39,871	-	-
Finance and Insurance	\$47,874	-	-
Real Estate and Rental and Leasing	\$29,259	-	-
Professional, Scientific, and Technical Services	\$47,208	-	-
Management of Companies and Enterprises	\$77,286	-	-
Administrative, Support, Waste Mgmt., Remediation Services	\$31,718	-	\$28,180
Information Services	\$38,240	-	\$40,928
Arts, Entertainment, and Recreation	\$38,413	-	\$67,797
Accommodation and Food Services	\$28,632	-	-
Other Services (except Public Administration)	\$18,155	-	\$33,015
Government Administration	\$23,983	-	-
Government Administration	\$52,831	-	\$55,726

Tourism jobs are low paying jobs

- or less than \$100 or does not exist

Wage in the all-industries average wage in the Portland metro area (\$63,227)

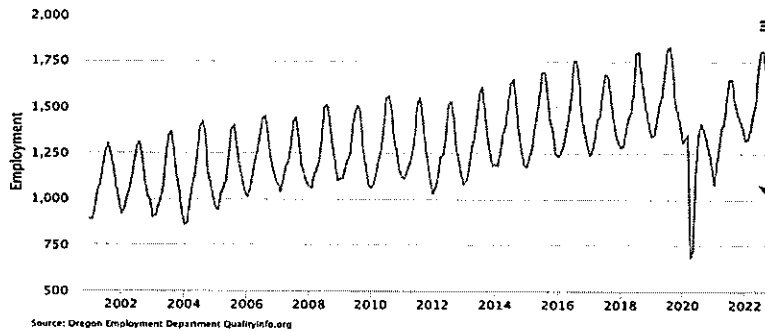
The tourism industry in this table is best represented by Accommodations and Food Services ... plus, perhaps, Retail Trade. These industries wage rates are 56% or 72%, respectively, of the average wage for all industries along the north coast counties.

Even worse, these poorly paying jobs are powerfully impacted by the seasonality of the tourism 'season'. The employment between annual seasonal peaks versus troughs is enormous! – see graph below:

Current Employment Statistics

Tillamook County
Leisure and hospitality
(not seasonally adjusted)
Official Oregon Series

Nov 2022	Change from Oct 2022	Change from Nov 2021	% Change from Nov 2021
1,480	-80	50	3.5%



employment varies enormously with the 'tourist'

Acc

23% of the total employed labor force. What are the net economic benefits of the STR Ordinance across not only tourism-facing jobs ... but the other 75%+ of the labor force?

Looking at the average wage table in north counties and the most recent average sales price in the least expensive part of Tillamook County (Tillamook, Bay City, and Garibaldi), one wonders that any wage earner, or two-income family, can afford to purchase a house in Tillamook County.

The cheapest, average house costs \$324,439. The average wage along the north coast is \$32,340. That is a 10-fold difference. Clearly affordability of housing is impacting who can live and work in the County.

My belief is that the County is not well served in enabling even greater distortions in County housing patterns in favor of more tourism-oriented STRs and relatively poorly paying, seasonally-impacted jobs ... even if this is a fast-growing economic sector – we can do better!

4 – County officials should keep in mind that the Short-Term Advisory Committee is a technical group used to gain technical information and as a technical sounding board – it is NOT representative of the Tillamook County community.

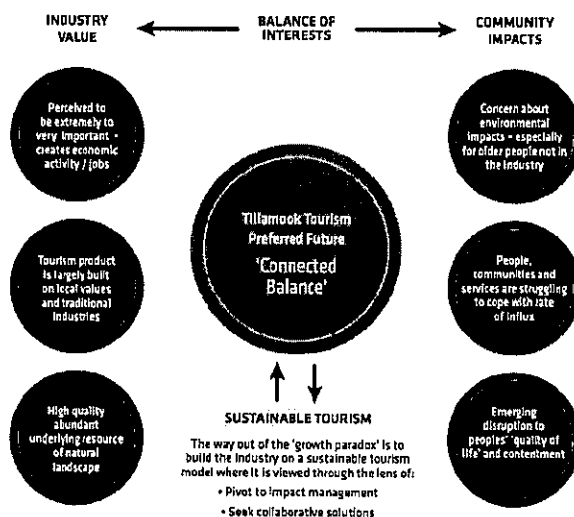
According to the TLT Funds and How They Are Used presentation dated January 2023 and prepared by the Department of Community Development, there are 1,812 permits issued for STRs out of 19,000 households in Tillamook County – or less than 10% of all County households.

Whereas, the Short-Term Advisory Committee has a large representation of STR owners, STR-related businesses, tourism professionals, and a nonproportional number of interested community members. That is, the Advisory Committee has significant membership who are directly or indirectly financially benefited by more permissive oversight.

Which is to say, the Advisory Committee likely provides excellent technical information – what the STR industry wants and thinks ... but it was never designed as a ‘representative’ committee regarding policy options relating to what the larger community wants or thinks.

5 – The Strategic Vision and Acton Plan for Tourism-Related Facility Investments Services –Final Report, provides a useful framework into which an updated STR Ordinance will play a critical role.

Tillamook County Tourism –A careful balancing act



“Finding the best way forward will require a careful balancing of the impacts on the community, together with the economic benefits.”

P.13, Section 3.0, Crafting a Future Tourism Investment Strategy

From: Strategic Vision and Acton Plan. This looks like a solid set of recommendations. Use them!

Specific Comments on Draft Revised Ordinance

My property rights include(d?) knowing, since 1982, that Neahkahnie zoning was restrictive and specific - excluding commercial uses ... including duplexes and B&B's ... "to maintain primarily single-family residential character" What happened to my property right?

Please describe the ill-legitimate concerns of residential neighbors.

Currently, issues of noise, congestion, too-many cars, signage, etc have been raised.

.020 Purpose and Scope.

A. This Ordinance provides reasonable and necessary regulations for the registration 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.

Today, over 20%, one in five dwellings, are dedicated to STRs in Neahkahnie.

The current percentage is too high.

What indicators demonstrate this percentage is 'balanced'?

Do we care that STRs are highly seasonal and vacant a large proportion of the year?

There is economic value foregone via this low utilization of this housing resource

In Neahkahnie, what had been full-time dwellings ... have turn into STRs ... vacant most of the year.

Other, part-time dwellings are periodically filled with STR transients unconnected to the community.

Other STRs function as high occupancy, mini, beach front-hotels

4. Provide long-term residential options for those people who want to live and work in Tillamook County.

The only 'worker' who can afford this community is an airline pilot. (Good part-time neighbor, too.)

5. ~~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.

6. Help maintain the County's supply of housing available for long-term residential use.

As studies world-wide demonstrate, STRs both increase the price of housing while reducing the supply. See General Comment above as well as Harvard Business Review - When Airbnb Listings Increase, so do Rents

I am totally supportive of statements B & C as a necessary and reasonable approach

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.

Certificates must be applied for and maintained in good standing. These are not perpetual 'grants'

C. A short-term rental registration certificate is revocable permission to operate a short-term rental, but only as provided in this Ordinance. An registration certificate 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.

CC. "Transfer" means 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.

Very useful definition ... but what about changes or transfers of a limited liability company (LLC)? Several STRs near me are such commercial enterprises.

Or what happens with multi-unit systems 'spin-off' property?

Sections .040 A & B –

YES. Certificates, which must be renewed and kept in good standing, is a necessary part of being a 'good neighbor'. These are commercial enterprises operating in residential communities.

Section .040 C –

We are seeking "balance" in the number of STR commercial enterprises in our communities. Maintaining 'livability' is important to the long-term sustainability of these communities. This means there is a maximum number of STRs in the fragile 'ecosystem' of full-time, part-time, and STRs. These 'sub-regional' caps will likely vary given the unique characteristics of each community.

For example, Neahkahnie is located between a state park and tourism-popular Cannon Beach to the north and the popular, urban community of Manzanita and another state park to the south. The only commercial structure in Neahkahnie, other than STRs and one owner-occupied B&B, is the Water District office. Neahkahnie is already more than 21% STRs. Other communities are likely bigger and more diverse, and MAY be able to accommodate a different sub-region cap. Not so Neahkahnie.

Section .040 D.

Density Limitations on STR Registration Certificates – I support this limitation due to the ‘dead zones’ as well as ‘transient zones’ that emerge when too many STRs are clustered together. I anticipate complexities in administration but the negative impact (externalities) on community and livability is real.

.050 Application and Fees

Section D –

I see that the ‘cost-based’ fee structure is being scrapped for a traditional governmental fee approach. So much for the program beneficiary, ‘user fee approach’. Given the need to accurately track administrative costs, this is likely reasonable. It does, however, require County Commissioners to provide budget authorization for sufficient resources to correctly administer this complicated, multi-million dollar, and important program. This will take expert staff with sufficient hours to perform the necessary work.

.060 Term of Annual Registration Certificate

As written, these Terms create a two-tiered property system which rewards the current incumbent permit holders to the detriment of fairness to new opportunities to fellow property owners.

This approach creates a ‘sticky’ system of current beneficiaries rather than having a finite time horizon with fair and equitable opportunities to participate in this program.

For equity considerations to all property owners, not merely current, first-movers, Certificates should have a finite, reasoned time horizon (5- or certainly not more than 10-years) but after this initial class of certificate holders, each certificate should have no more than a five-year time limit ... at which point the certificate is surrendered to the pool for new, next-in-line applicants or equitable draws.

.070 Application

D. Parking – Parking is THE hot-button issue in north coast communities. And it’s a tourism-induced problem to which STRs contribute.

Today, as I write this, is a three-day, national holiday ... and parking is ample both along the beach front and in town (Manzanita). Of course, its January, too. In July and August, it will be different!

Parking is a seasonal, tourism caused problem ... and STRs with far in excess of average car use, are a major contributor. Average full-time residents likely have one to a maximum of two-cars per household. STRs, with average occupancies typically in excess of four to even 18-adults, put far more cars onto parking, streets, and downtown, further stressing parking.

Neahkahnie streets are narrow with many with zero walking space other than the asphalt – certainly there are no sidewalks in Neahkahnie. This is a residentially-zoned community favoring walking – there is too little safe space for more cars. Families with small children and pets are walking to and from the beach at all hours of day and night.

.080 Operational Requirements and Standards –

While parking is the hot-button topic in most north coast communities, a key driver of this concern is the maximum occupancy of certain STRs.

The very high STR occupancies drive more cars, more externalities of transient housing, and raised concerns for the health and safety of community visitors. The houses used as STRs and communities they are in were originally designed, permitted, and built for 'average' single-families. The "average family" in the United States is 2.5 persons. Any way you look at it, occupancies of 4 to 20 persons per building are greater than 2.5 persons. Infrastructure impacts are proportional to numbers of occupants. (The Neahkahnie Water District is very concerned about high demand/ low spring production for water during the July thru October season. New metering, new storage facilities, and new rate structures are being considered.)

I can support the notion of an "Estate House". A handful of houses in Neahkahnie were originally designed as large houses) ... and I can see the fairness for this handful to continue in this fashion ... and related community infrastructure concerns are mitigated by the original robust infrastructure designs actually built. Even these Estate Houses need scrutiny – the nine cars jammed into the front yard of one of these houses is remarkable ... and concerning.

K. Fire and Life Safety

I hope the gamble too many people are taking that the next tsunami won't occur while they're at the beach continues to work. Not having 'go-bags' and after-event plans/supplies will likely not be immediately fatal. Sort of like the low probability of having one's own house burn down ... but I/we still buy fire insurance, don't we? Low probability – high consequence event. Reasonable, low-cost measures will save lives. I'll bet that every STR has a flat-screen TV in it which costs more than these safety measures.

Frankly, I believe that the STR industry in Tillamook should demand that a portion of the TLT fund emergency PODS strategically located around the County in preparation of the 'big-one'.

N. Mandatory Postings

Communication is essential – community members need to know who the correct representative is and be able to contact them ASAP. Not having the ability to communicate is unacceptable. Hopefully, I'll never need to call ... but it is critical that I have the ability to do so. Thus, the word 'Mandatory' is essential.

Too many permit postings are small and barely visible. (Hey, you're advertising the interior of your rental property to the entire world ... at least the local neighbors should get the correct contact number.)

Q. Good Neighbor Policy and Guidelines

These are important communication tools ... and periodic reviews and updates are encouraged as 'best practices' and issues emerge over time.

Too, I'd encourage a more direct and explicit statement regarding coastal wildlife. That is, 'Keep it Wild' should be the byword. All human beings should be encouraged to give coastal wildlife space to live – even if the wildlife might be in distress.

For example, people sometimes approach baby seals apparently stranded on the beach. Wildlife experts tell us time and again – 'stay back' let the mother seal or nature take its course over the next tide.

Elk are large, powerful, and enormously attractive animals. Some people feel compelled to see how close they can get – DON'T! Elk, while being very large, are also amazingly fast and agile when they wish – humans in the way stand no chance if the elk get scared and bolt. Even worse, the elk might get injured in fleeing.

Or, my personal hot button – 'Do NOT fly your drone near a bald eagle' (Yes, a renter did do this.) IF the eagle notices the drone, that constitutes harassment of an endangered species. Fly your drone over your own home. Your neighbors will love you.

I believe most STR users wish to know the correct, wild-friendly, and safe, approach to experiencing coastal wildlife – Keep it Wild! Lay it out plainly in the 'Good Neighbor' guide.

.090 Additional Inspections

I'm not an attorney, and I suspect that all these inspections don't come for free ... I'd say they are well worth the expense.

Imagine if even one renter experiences something which might be perceived as a code-shortcut or violation? (I'm thinking of a 'home brew' electrical adaptation in a rental I stayed in years ago in Washington State – yikes, we requested a different unit). No STR owner would want to be the subject of a lawsuit like what might happen.

There is the old statement, 'Pay me now or pay me more later' – proper maintenance is always the correct way to go.

Inspections promote positive outcomes

c. On-site Septic System Inspection

Most of us believe the water we drink is precious – and want it to be pure. Plumes of'icky stuff' occur over time. This is another area where being economical is not smart. Do the work that is necessary for responsible performance.

.110 Implementation of this Ordinance

I support this section as written. It:

1. is systematic and rational;
2. correctly addresses very specific issues with thoughtful procedures;
3. reduces the 'hereditary rights' which might otherwise accrue to first-mover incumbents.;

4. addresses the 'fairness' issue of enabling all interested property owners an opportunity (overtime) to acquire a certificate when one is available;
5. addresses the density issue as important to a 'livable' community year-round rather than eerily-quiet/party-central, bi-polar, seasonal clusters; and
6. establishes subregional caps reflecting unique 'subregional' (Neahkahnie is not Pacific City!) circumstances.

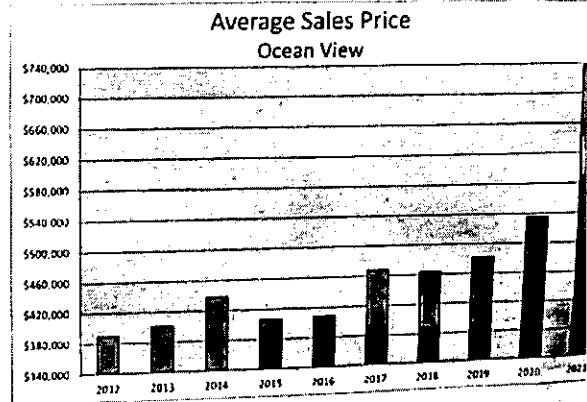
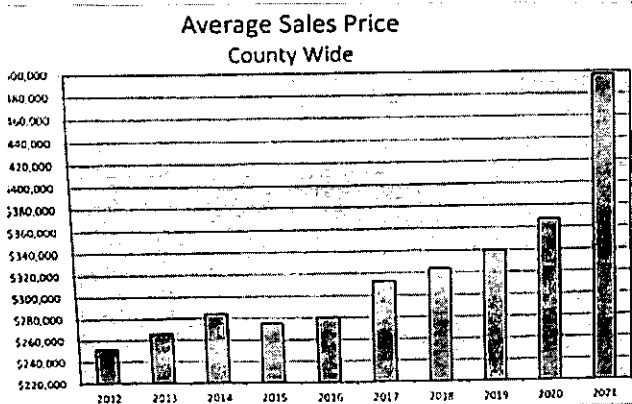
.120 Violations, .130 Penalties, and .140 Appeals

Responsible and responsive property owners are all that is being sought. There is nothing punitive or untoward in these sections. We're talking about 'on-the-ground' health and safety for many people – there needs to be effective measures to assure correct measures.

Additional Court House hallway chart:

2022 Ratio Study - Supplemental Information
Tillamook County Residential Real Estate - Average Sales Prices
 Sales Date: 1/1/21 thru 12/31/21
 Improved Properties

Ratio Year	County Wide	Ocean Front	Ocean View	River Front	Condo's	New Construction	Single Wide Mobiles	Double Wide Mobiles	Triple Wide Mobiles	Planes
2012	\$251,681	\$499,061	\$388,926	\$277,639	\$209,950	\$236,011	\$10,061	\$39,856	\$120,609	\$275,175
2013	\$265,880	\$0	\$400,870		\$586,040	\$400,870	\$195,430	\$255,660	\$8,600	\$49,180
2014	\$284,148	\$607,750	\$418,082	\$326,172	\$214,779	\$297,209	\$12,583	\$66,499	\$146,817	\$120,257
2015	\$275,513	\$645,839	\$406,607	\$240,547	\$269,446	\$307,106	\$14,890	\$59,978	NA	\$274,188
2016	\$280,000	\$547,396	\$408,994	\$249,408	\$218,000	\$291,159	\$13,873	\$72,058	NA	\$106,790
2017	\$312,579	\$589,019	\$468,439	\$247,276	\$215,609	\$357,848	\$5,700	\$74,107	\$118,647	\$236,275
2018	\$323,760	\$648,499	\$463,571	\$313,202	\$219,601	\$378,673	\$31,237	\$74,417	N/A	\$360,653
2019	\$339,609	\$689,859	\$481,581	\$338,523	\$273,550	\$332,465	\$29,007	\$72,584	N/A	\$377,106
2020	\$367,626	\$764,204	\$535,270	\$374,912	\$301,664	\$341,377	\$46,904	\$66,595	\$139,405	\$380,496
2021	\$497,044	\$1,031,067	\$737,244	\$498,684	\$374,727	\$425,851	\$10,000	\$121,882	\$161,736	\$609,010



Lynn Tone

From: Public Comments
Sent: Friday, January 20, 2023 1:50 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Short Term Rentals - Proposed Ordinance

From: Lisa Pierce <Lisa@xsspecialty.com>
Sent: Friday, January 20, 2023 10:58 AM
To: Public Comments <publiccomments@co.tillamook.or.us>; Sarah Absher <sabsher@co.tillamook.or.us>
Subject: EXTERNAL: Short Term Rentals - Proposed 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.]

Dear Tillamook County Commissioners and STR Advisory Committee,

My husband and I are an STR owner in the Urban Growth Boundary of Manzanita. My family has been vacationing in Manzanita since the 70's. When my father suffered a stroke in 2000 and became paralyzed, that all changed given the lack of truly ADA accessible rentals on the Oregon coast. Family vacations in one home became my parents staying in ADA hotels while the rest of the family enjoyed gathering together in beach house rentals.

We were finally able to save enough money to buy a lot in the UGB near Hwy 101, and realized our family dream of building one of the only wheelchair accessible homes in Manzanita in 2021. While the proximity to the beach does not make our STR a "top rental" that books year-round (not even close), we have enjoyed hosting several special needs, elderly and handicapped guests which in turn has helped pay the mortgage on the property. Our goal is to retire on the property in 8-10 years.

We have read through all of the emails sent to the county and have found common undertones of livability, affordable housing, natural disaster preparedness and environmental impacts. I believe it's fair to state that STRs in unincorporated and UGB zones are not solely to blame for those problems and should not bare the burden alone to resolve them, but concerns and valid and more rules should be in place.

We are **in favor** of mandating all STRs to have all safety measures in place for power outages, Tsunamis and other natural disasters. We had to comply with this as part of our permit process but it sounds like other, older STRs may have not? We have a "go-bag" and even have a portable saline filter to turn ocean water to drinking water on our property.

We are **in favor** of every STR being mandated to provide appropriate on-site parking that does not adversely impact landscaping.

We are **in favor** of every STR being mandated to have appropriately sized garbage containers and service once a week. Larger properties should have more than one container.

We are **in favor** of all STRs having visible signage displaying contact information for complainants and a fair and equitable complaint resolution process.

We are **in favor** of the County imposing "water sense" mandates to STR's, ie updating properties to have water efficient toilets, showerheads, faucets, etc.

We are **in favor** of the County using lodging taxes to partner with Cities to build more affordable housing options in the County.

Lastly, we are **NOT in favor** of terminating permits after five years and do not feel this will provide just compensation. We propose instead please cap the number of days an STR can rent to 180. Most non-oceanfront STRs in unincorporated or UGB zones are not renting year-round. Ours rented for 128 days last year. Capping the rental days to 180 would improve livability to year-round residents and lessen the strain on natural resources, while allowing STR homeowners the ability to pay mortgages, taxes and upkeep on their coastal property. A cap on rental days would also dissuade corporations and mega investors from purchasing multiple properties with the intention only of making large profits.

We greatly appreciate your consideration and time to these important issues.

Best wishes,

John and Lisa Pierce
Manzanita, OR

Lynn Tone

From: Cynthia lee <parcorp@yahoo.com>
Sent: Thursday, January 26, 2023 2:37 PM
To: Lynn Tone
Subject: EXTERNAL: STR Feedback

[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 Committee,

Our family built a home in Manzanita in 1992. We registered it as rental and used local property management. At some point Manzanita adopted STR regulations which did not affect us much. We already had a local person responsible for our home;

I think the concern of neighbors is "who do we contact if there are issues" Manzanita seems to accounted for neighbor concerns. Placed a cap on rentals, parking regulations.. It seems to be working. the city gets short term rental revenue and the short term rental companies provide local jobs.

Keep in mind, with all the long term regulations under Oregon Senate Bill 608. making it very hard for a landlord to terminate a tenancy of a tenant who, has been there over a year. If STR's ended, I would not be looking for a long term tenant . I would use my home 5 or 6 weeks a year. The rest of the time it would be vacant. I think this similar thought process applies to many vacation homeowners.

I have seen long term rentals with very disruptive tenants in a neighborhood. The landlord has great challenges terminating the tenancy. This is a much longer challenge than removing short term renters. When properly reregulated, STR homes can co- existence in neighborhood without issues. Not allowing short term rentals in the unincorporated areas, does not necessarily track to more long terms rentals opening up. Per the reason stated above.

There is a local long term rental housing issue, which needs to be addressed as a separate issue.

Tillamook County does not have a strong hotel/motel presence. If there is not a way to integrate short term rentals as a part of the tourist/visitors accommodations. How will this affect small busies in Tillamook county?

What impact would no additional STR's have on local small business?

I believe it is in the best in best interest of the county to create reasonable regulations to create a balance. I have read the proposed regulations and I don't see any unreasonable rules. I do believe a moratorium would be an issue for the local small businesses and the tourism industry.

Sincerely,

Cynthia Lee
Property Owner

Lynn Tone

From: Public Comments
Sent: Friday, January 27, 2023 1:49 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Tillamook Board of County Commissioners and Short Term Rental Advisory Committee

From: PAMELA KEDENBURG <pkedenburg@comcast.net>
Sent: Thursday, January 26, 2023 1:47 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Tillamook Board of County Commissioners and Short Term Rental 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.]

Dear Commissioners and Committee Members:

My sister and brother-in-law own a STR condominium in Neskowin. Their home is one of 11 townhouses in a condominium complex that has been a STR property for fifty years. It is only because of the rental income that my family has been able to afford to own and maintain this vacation home on the Oregon coast. Use of the home has been shared with family members like us that would otherwise not have been able afford to spend time at the coast.

My husband and I have an almost 50 year history of staying at this property. Forty three years ago we spent our honeymoon here. Our son (now 38) grew up enjoying his annual summer vacations on the coast. Now each year our son, his wife, and our grandson (5) are spending time with us there. Over five generations of our extended family have stayed here so it's not an exaggeration to say this property holds a very special place in our memories.

While in Neskowin, our family enjoys a dinner or two at the Cafe on Hawk Creek, gets takeout ribs and other items at the Neskowin Trading Company, and strolls up to the Village Scoop for ice cream. The Neskowin Farmer's Market is a highlight, along with fires on the beach with marshmallows and star gazing.

Now we have learned that Tillamook County has proposed a draft ordinance that could bring all of this to an end for us. Without rental income from the condominium, my sister says that they will need to sell if they lose permitting authority to rent. This seems very unfair since their condominium has *always* been a STR property. It would be quite a blow to our family to lose our time together at the beach. It has been a real bonding time with our son, daughter-in-law, and our grandson. We request that the Tillamook County Commissioners grandfather the STR rights of owners in condominium associations that have been operating as STR properties under the current ordinance.

Thank you for your consideration of this revision to the proposed draft ordinance.

Pam and Rob Kedenburg
2508 20th Avenue NE
Olympia, WA 98506

Lynn Tone

From: Public Comments
Sent: Monday, January 30, 2023 9:57 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Tillamook Board of County Commissioners and Short Term Rental Advisory Committee

From: PAMELA KEDENBURG <pkedenburg@comcast.net>
Sent: Thursday, January 26, 2023 1:47 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Tillamook Board of County Commissioners and Short Term Rental Advisory Committee

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Pam and Rob Kedenburg
2508 20th Avenue NE
Olympia, WA 98506

Lynn Tone

From: Public Comments
Sent: Monday, January 30, 2023 9:57 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Ordinance 84

From: Janell Dixon <janell.dixon@yahoo.com>
Sent: Saturday, January 28, 2023 5:20 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: 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.]

Hello.
When I became a grandma for the first time in 2017 I thought how cool would it be to get a little place at the beach where our family could make special memories together. I looked at a few properties and anything in my price range was basically falling down. Not giving up, I decided to find a lot and build. It took some time and determination but I found an amazing lot and a local builder. That's terrific, but in order to afford a vacation home I'd need to rent it out. It would have to pay for itself or else it just could NOT be done.

The argument that short term rentals take away from long term rentals is just not accurate. With an average home price being \$500K. The monthly mortgage would be over \$3500. I don't see long term renters being interested. Also, short term rentals here are not owned by big conglomerates. That's an old wives tale. 98% of permit holders own just ONE property.

So, in the Spring and summer many homes here that were empty in the colder weather get occupied again with owners or visitors coming to enjoy the beach. There are more people and cars in town, that's just common sense. It's great for our tourism since we are a tourist town after all. Plus the taxes earned from the short term rentals really fill the city and county coffers.

To summarize, vacation rental owners are not rich or big conglomerates, we're just regular people, personally I've never earned more than \$20 an hour in my life. STR's do not effect the long term housing issue, and as for more cars and people in the summer, we need them and they're not a problem. Why won't the county listen? Instead they hire a completely biased lawyer. I'm very disappointed in the system.

Janell Dixon

Lynn Tone

From: Marti Frank <martifrank@gmail.com>
Sent: Tuesday, January 31, 2023 5:02 PM
To: Lynn Tone
Subject: EXTERNAL: Comments on the STR proposals

[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 -

I wanted to offer some thoughts on the STR issue in Tillamook County.

We bought a vacation home in Netarts last year with the intent to rent it when we were not using it. We obtained a STR permit just before the suspension was put in place.

Because of the way in which we made the purchase, we were required to maintain any home we bought as a vacation rental for two years. As such, we only considered homes where short-term rental was allowed.

As experienced owners of long-term rental properties, we thought we understood what being a short-term rental owner would entail and we were quite comfortable with the prospect.

What we didn't anticipate is the amount of damage incurred, the frequency with which guests violate parking rules and occupancy limits, and the disruption an STR causes to our neighbors and neighborhood.

Even though we ourselves are currently STR owners, we too feel frustrated when we see vacation renters at the neighboring property disrespecting the parking rules, being boisterous in the common areas, and acting un-neighborly.

While we must continue to rent our home for the next year in order to comply with the tax rules of our purchase, we look forward to the time when we can stop renting. We support our HOA's imposition of its own limits on STRs and we support the County in taking action that preserves the livability of neighborhoods by sharply limiting STRs.

--
Marti Frank
503.819.4789
she/her (why?)

Lynn Tone

From: Public Comments
Sent: Tuesday, January 31, 2023 3:16 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Support of STR's

From: Jordan Winters <winters@santepartners.com>
Sent: Tuesday, January 31, 2023 9:10 AM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Support of STR's

[**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 name is Jordan Winters. I am currently a property owner of a house located at 33605 Center Pointe Drive in Pacific City. We purchased the property in March of 2022 and immediately began design and engineering for a new construction home, for which we began construction in May (clearing, grading, utilities) and submitted for permits in June of 2022. Suffice it to say we were shocked, angered and frustrated by the pause that was put in to place. I have read the Boards goals, which include protecting property rights while insuring "livability" (please define!) of communities. I find it appalling that the needs of few outweigh the needs of many, as it has become abundantly clear that the overwhelming voices reaching out to the commission are in support of this program. I cannot fathom how this protects my property rights in the least bit. To otherwise, limit, cap and restrict such an economically beneficial program, a program that generates significant tourist income to otherwise low income areas of the coast, while providing so very few examples of how "livability" in the communities is being affected by this makes no sense. I am a common sense individual. If there are problems, real problems, lets fix them. If we have issues with noise, let's find a solution (the data OVERWHELMING suggest this is not a problem). If parking is a legitimate concerns, let's figure out how to alleviate those issues. But the overwhelming outcry from the other side is that we don't want other people in our community. That is like me saying to stay out of Salem, Oregon because I live here. Please provide some legitimate justification for why STR's are otherwise ruining or destroying the beach communities and creating hardships for those more fortunate who do not have to rely on rentals. Otherwise, please come to your senses and provide some meaningful adjustments to the current code that don't effectively ban any new STR's in perpetuity.

Sincerely,



Jordan Winters

Director of Development, Finance Strategist

M: 503.209.6034

winters@santepartners.com

www.santedevelopment.com

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Lynn Tone

From: Public Comments
Sent: Tuesday, January 31, 2023 3:16 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR situation affects long time organization in Neskowin

From: caiinc@charter.net <caiinc@charter.net>
Sent: Tuesday, January 31, 2023 11:24 AM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STR situation affects long time organization in Neskowin

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Attn: Sarah A and David Y

Another looming demise attributable to the severe restrictions proposed by the new draft for STR's – Neskowin Chamber Music.

<https://www.neskowinchambermusic.com/>

Currently in our 27th Season, the venue for the seven annual concerts is the little Winema Chapel at the Christian Camp. The groups we hire to perform are world renowned musicians. Incorporated in their trips to Neskowin and the Sunday afternoon performances, many of the groups also do a community outreach in local schools. Having this caliber of musical arts available to our community at nominal cost over the years is immeasurable. Of necessity, we operate on a shoe string budget and rely heavily on affordable STR housing for the groups.

If the severe STR restrictions are enforced, it will obviously cut out competition for this type of accommodation. Owners that currently have the permits will be able to raise rates exponentially in the absence of competition. How is this fair to anyone?...especially home buyers that have purchased properties more recently with the intent of supplementing their mortgage expenses by exercising their right to STR opportunity. In addition, there are a vast amount of people that would never be able to enjoy beach time if it were not for STR opportunity of various properties and price levels.

The proposed draft of the "new ordinance" has such far reaching negative implications for our entire coastal communities, it's hard to imagine we have even gotten to the point of such measures being considered for implementation. Please help put an end to this disaster in the making, and rather encourage enforcement of the old time rules and regs that have been in place for years but may not have been diligently enforced.

Respectfully,



Colleen Hofer
Neskowin Chamber Music
Co-ordinator

C. 360-513-7632

caiinc@charter.net

To: Tillamook County Short Term Rental Committee

This is a follow-up to my comments of January 8, 2023 on suggestions to improve Ordinance 84. In addition to other improvements, the process for obtaining a permit AND any renewal of a permit for a short term rental should include a requirement that all neighbors of the proposed rental must be notified of the application for a permit, be provided a copy of the complete application, including all supporting documents, and be given at least twenty days after being notified and given the complete application to provide their input about the application to the Department of Community Development before a permit may be issued. For purposes of this requirement, neighbors should include all owners of houses and lots on the block, or the cul-de-sac, and all houses and lots abutting, the house for which a short term rental permit is applied.

This "notice and opportunity to be heard" process is already used, for example, for land use applications. It would provide affected neighbors an opportunity to be informed and a chance to be heard before the County allowed a rental that directly affects the neighbors. It could provide the County with important information the County may otherwise not have about the applicant or the proposed rental property. It may give the County reason to place conditions on a permit that would benefit the County as well as the affected neighbors, improve livability for all, and perhaps avoid potential liability of the County for allowing creation or continuation of unsafe or unlawful conditions. For example, as I pointed out in my January 8, 2023 correspondence, the rental the County "permitted " at 7250 Saghalié, Pacific City, has created an unsafe, as well as unlawful, parking situation. I think it unlikely the County would have granted the permit it did, had the County understood the turning circle area on Saghalié and had accurate information about parking. Parking by renters at that address often spills multiple vehicles into the area needed for access by its neighbors, by delivery and service vehicles, by emergency responders, by medical responders, and others. A carefully conditioned permit, with conditions that could be readily enforced, could have avoided or reduced this problem. It is likely there are many other short term rental problems that could be avoided if the County had, and respected, input from affected neighbors BEFORE issuing or renewing short term rental permits.

Jim Bartels
January 30, 2023

To: Tillamook Board of County Commissioners & STR Advisory Committee

The Breakers Homeowners Association respectfully asks Tillamook County to reconsider limiting short term rental properties. Particularly those properties in coastal resort towns, like Neskowin, that have been specifically set up and operated as short-term rentals for decades.

The Breakers in Neskowin is a condominium association of eleven individually owned ocean front, free standing townhomes and a jointly owned manager's house and office. Built in 1972, the homes have been continuously managed as a short-term rental property, with a manager. Today, 9 of the eleven townhomes are short term rentals.

Because the Breakers was designed for short-term rentals, the complex is set back from nearby properties and has off-road, self-contained parking as well as an expansive lawn, children's playground, and barbeque area. Recent upgraded landscaping enhances the property, but also provides privacy for both our guests and passersby. The homes and grounds are kept at a high standard.

All Breakers homes are family owned and many ownerships go back generations, but they are expensive to own and maintain. The Breakers operate under the Oregon Condominium law and assess each owner monthly for the maintenance of common areas. Equally important, condominiums have a capital reserve fund, fees assessed monthly, for items such as roofing, siding, landscaping, paving, etc. As such, Breakers homes and grounds never suffer from deferred maintenance and always retain an attractive appearance.

The Breakers, along with our northern neighbors, has benefited the Neskowin community by funding the revetment to provide safe passage at the Mount Angel beach access area. And for many years, the Breakers has paid to replenish the sand to further facilitate access for everyone. In addition, Breakers' owners, along with other Neskowin ocean front owners, many of which are short term rental properties, have paid for the construction and maintenance of seawalls. These structures not only protect the Breakers and other ocean front properties but also many inland Neskowin properties that are at a lower elevation than the ocean front homes.

The Breakers Homeowners Association is extremely concerned about the proposed County changes to rental permits. Under the draft ordinance, Breakers' owners could lose the ability to renew short term rental permits in five years. This proposed change has blindsided the owners and is an unnecessary financial burden to impose on a short-term rental property that has been operating continuously for fifty years! Not only would this impact the owners, some of which would be forced to sell because of loss of income, but sale prices would be depressed leading to compensation filings and legal challenges to the County.

Restricting rentals would also affect local business. The owners and our guests bring money into the area by patronizing businesses. Each rental owner also continually updates their home's interiors and in doing so hires local trades people and buys from local businesses such as furniture and appliance stores.

For the above reasons, we request that Tillamook County revise the draft short-term rental ordinance to allow properties with existing permits to continue operating as short-term rentals.

Thank you for your consideration.

Association of the Unit Owners of the Breakers Condominium.

Board President: Glenn Garrett.

Lynn Tone

From: Hunter Williams <williams.hunter@gmail.com>
Sent: Monday, February 6, 2023 11:00 AM
To: Lynn Tone
Subject: EXTERNAL: Comments for 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.]

To Tillamook County Short-term Rental Advisory Committee,

We wish to add our perspectives to the current discussions surrounding STR rules and proposed changes. We own a home in Neahkahnie, where neighbors are discussing this issue passionately.

First some comments about STRs broadly, and then a few comments about particular proposed rules as seen in the 1-9-2023 draft, and ideas that we've seen in other's comments.

STRs seem to fall into distinct categories of use, and perhaps treating all STRs as a single category is not the ideal approach and will have unintended effects. Rules targeting the most extreme cases end up applying to all, like it or not, with that approach. We believe that establishing a tier of STR categories might offer a more balanced approach to STR management.

Consider the following 3 STR categories as an illustration of how various tiers might be defined:

The first category is that of the *STR Business*. These properties are owned to-be-rented 100% of the time (or as close to that as practical). They are a business endeavor pure and simple, many owned by companies instead of individuals. They are a commercial enterprise that has landed in a residential neighborhood. These properties have a constant stream of renters, are difficult to live near, and cause the overwhelming majority of complaints that people are voicing.

The second category is that of the *Moderate STR*. These properties are generally owned by individuals who personally use the home regularly, but offset the costs of ownership with periodic rentals. These differ because they rent only sometimes, the owners treat the homes as their own, visit often, know the surrounding neighbors personally and participate in the community. These properties generally generate far less complaints, and the neighbors know personally who to talk to if necessary.

(We live next door to an example of this, and have no complaints, and share a very good relationship with the owners.)

The final category is that of the *Casual STR*. These properties are primarily used by the owners. They rarely rent them out, less than say 10% of the time (a fair percentage can be established). If the owners are not there, the property is typically unoccupied. However, since the owners can't be there all the time, they would like to - on the rare occasion - allow a carefully vetted rental of their home, often to friends or acquaintances.

(This is what we hope to be able to one day do, but it increasingly looks like we will never be able to either get an STR permit under proposed limit restrictions, nor, if we did get one would it make anything close to financial sense for just a handful of rentals a year.)

The approach that we are seeing in the 1-9-2023 draft is to treat all of these categories as the same, which they are not. Rules and fees and requirements are stacked up, justified by the worst offenders and are imposed on everyone. This makes operating a *Moderate* or *Casual STR* increasingly expensive and burdensome. Which discourages or rules out entirely their participation, and skews the market toward the *STR Business* which can easily cover the imposition with its

volume of business, and compete aggressively to obtain and keep the valuable limited licenses.

This gives an incentive for anyone with an STR license to rent more; ramp up their turnover more and more to cover the growing costs and management obligations.

Perhaps it is in the best interest of everyone to treat each of these categories differently?
Establish certain categories with increasing rules, fees, and requirements based on % rented, or similar.

And also a close look into whether a clearly commercial enterprise such as an *STR Business* is an allowable use in a residential neighborhood.

(Or consider carving out sub-zones based on historic use to allow this in limited areas only.)

Looking at the proposed rules individually, we have the following comments:

- The requirement for a local representative/contact within 20 min drive is unreasonable. Most people who own a beach house don't also live nearby on the coast. This forces the use of a Rental Agency, which is one more substantial financial imposition. A *Casual STR* can't make this pencil, so they either drop out, or ramp up their business. A *Moderate STR* can't make this pencil at the lower rental turnover rate, so they are pushed to rent more. While I understand what this rule is trying to accomplish, it will have a detrimental effect of encouraging more business activity instead of less. Perhaps something like this is only required at the higher rates of turnover? Problems with a lower-use STR could lead to this being imposed if problems persist, but should not be the default. Also the section about 'not answering one's phone within 20 minutes' seems a tall order, and likely to happen for an individual who is perhaps sleeping with their phone in the other room. Again pushing one towards needing to hire a business to be on call 24-7. In what scenario is this really necessary? Anything we can imagine requiring this level of immediate attention would warrant a police intervention, which handles the problem.
- Proof of Garbage Service seems like another added cost that is unnecessary in most cases. Sure, impose that on an STR that has reported issues with garbage piling up. But if people can save money by putting out their own trash cans as needed, and are doing fine with this, why the extra imposition? More cost = more incentive to make the STR more of a business.
- The clause about 'no unpermitted improvements except by licensed contractor' seems problematic. The Building Code already requires permitting for certain types of work such as anything structural, electrical, etc. This is redundant, and the wording is not precise enough. As written, an owner might be seen as violating this clause if the owner does any maintenance work themselves, such as simple non-permit-required work like painting.
- The proposed 'Mandatory Postings' seems excessive, and adds a negative impact to the neighborhood. The proposed requirements call for what would be a rather large placard out by the street to accommodate a large amount of required notices. Does this improve the look of our neighborhood, or add an eyesore? All of this information could be made readily available online by searching the permit number, and avoiding a ratty collection of deteriorating laminated pages flapping in the wind in front of houses. Is it not the ideal to have STRs blend in to the neighborhood instead of calling attention to themselves? We want less signage, not more.
- The proposed restriction on 'Events' seems open to abuse. We understand the intent to stop large raucous gatherings, but this will have unintended effects if passed. In our experience, celebrating a birthday or an anniversary is one of the main reasons someone may consider springing for a vacation rental. They are not necessarily massive parties, but also can be just a married couple. This proposed rule is not limited by size – which leaves it open to an STR owner being reported for a violation if a quiet couple simply light a candle on a cake and are seen and reported by a malcontent. If this section is to stay in, it needs more precisely defining language.
- The 'Penalties' section .130 also seems open to abuse as it is worded. The way it reads in subsection B is that an Owner gets one violation warning only. Ever. Once and done – there is nothing limiting this per year. After that penalties will

accrue at \$250 per violation, per day. And then \$500. Which can add up very quickly.

Playing out this scenario, the following could occur, as I read it:

An STR gets Warning #1 because of a very minor violation such as one of the required notifications on their info sign at the street blew off in a storm. The owner promptly fixes it. Soon a storm (or was it a person?) knocks their sign over. The owner wasn't there, the house was unoccupied, but it was advertised.

This means each required posting on the sign and the sign itself would count as a separate violation. It is documented by a neighbor as being down for a week or more before being reported, and even though it is promptly fixed once the owner is notified, there is a rather large penalty imposed for many days, for many individual violations. Very expensive, easily in the thousands. Happens again one more time and the owner loses their license as well as a hefty fine. Thus a malcontent could quickly put any STR they don't like out of business.

And really they don't need to even do anything actively but keep a sharp eye out for even the slightest violation – because this section says ANY violation. A guest parks slightly out of the designated space? That counts. A birthday cake was spotted? That counts. A friendly chat with an STR guest reveals that they are celebrating their anniversary? You see how this could be abused.

Finally, there has been lots of talk about capping the number of STRs. Whether a %, or some other way, I'm not sure what the best way to do it might be. I understand the sentiment, as we'd all like to avoid the neighborhood being overrun with *STR Businesses*. Of all the categories to be limited, commercial *STR Businesses* is the one. However, distinguishing between those and other types of STRs seems important, with rules more suitable to their category.

I personally don't see the need to limit at all the numbers of very-low-rental-rate *Casual STRs* at all. Every homeowner should be able to let someone else stay in their house on the rare occasion and get compensated for their effort and expense. Just set a simple cap on the amount of days per year rented. And yes, they need be registered and pay the taxes and comply with some reasonable rules. But not be precluded from doing this because an STR permit is impossible to come by.

And similarly, a *Moderate STR* is very different in impact than a *Business STR*, and should be limited at a much friendlier rate than their troublesome commercial business counterparts. Establishing some reasonable parameters for each category seem workable.

Though there is more to be said, I think much has been addressed by other letters that have been submitted. There are some interesting ideas that aren't a blunt-force one-size-fits-all approach. I hope that we can find ways to legislate proportional to the impact.

Thank you for your consideration,

Hunter Williams,
Neahkahnie

Lynn Tone

From: Sarah Absher
Sent: Monday, February 6, 2023 10:44 AM
To: Isabel Gilda; Lynn Tone
Subject: STR Comments

Thank You Isabel!

Sincerely,



Sarah Absher, CBO, CFM, Director
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x3412
sabsher@co.tillamook.or.us

From: Isabel Gilda <igilda@co.tillamook.or.us>
Sent: Monday, February 6, 2023 10:41 AM
To: Sarah Absher <sabsher@co.tillamook.or.us>; Lynn Tone <ltone@co.tillamook.or.us>
Subject: FW: EXTERNAL: Form submission from: Contact Us

Hi Sara,

Please see the comments below submitted via the county website. It is addressed to the commissioners but I believe it is for your STR Committee. Please confirm if the email should also be forwarded to the commissioners.

Thanks,
Isabel



Isabel Gilda | Executive Assistant
TILLAMOOK COUNTY | BOARD OF COMMISSIONERS
201 Laurel Avenue
Tillamook, OR 97141
Phone (503) 842-3431
igilda@co.tillamook.or.us

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From: Webmaster <webmaster@co.tillamook.or.us>
Sent: Monday, February 6, 2023 10:12 AM
To: Isabel Gilda <igilda@co.tillamook.or.us>
Subject: FW: EXTERNAL: Form submission from: Contact Us

Good morning,

I was wonder if you could assist or pass this along please. Normally I would have sent this to DCD as it is a STR thing, but it is also addressed to the commissioners.

Thank you.



William Barlow | IT Specialist II
TILLAMOOK COUNTY | Information Services
1716 3rd Street
Tillamook, OR 97141
Phone (503) 842-4792 x1702
Mobile (503) 812-6720
william.barlow@tillamookcounty.gov

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From: Tillamook County OR <tillamookcounty-or@municodeweb.com>
Sent: Monday, February 6, 2023 9:55 AM
To: Webmaster <webmaster@co.tillamook.or.us>
Subject: EXTERNAL: Form submission from: Contact Us

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Submitted on Monday, February 6, 2023 - 9:54am

Submitted values are:

Name: James Fazio

Email: jfazio@turbonet.com

Department: Proposed Short Term Rental Ordinance

Question/Comment:

1049 Colt Road
Moscow, ID 83843

February 6, 2023

To: Tillamook County Commissioners

I have had the opportunity to review a draft copy of a new Short Term Rental Ordinance. I don't have your perspective of the problem(s) that make this lengthy and burdensome ordinance necessary, but I do know that, if implemented as written, it has serious negative consequences for me as a STR owner/operator. My wife and I have operated our STR since 2015 with no issues with the county, our guests, or our neighbors. Our property consists of 14 secluded acres and we pride ourselves on offering a unique, high quality experience for our guests. We are also good stewards of the environment and contribute to the local economy financially and in other ways. We help support 3 local families and, along with our guests, spend a considerable amount of money in Tillamook businesses. We are members of the Chamber of Commerce, the Tillamook Anglers Association, and Friends of Netarts Bay. We also developed and maintain an educational nature trail for our guests.

After reading the proposed ordinance, I feel compelled to list the proposed conditions that I find particularly objectionable:

.040 C & D

Although this does not affect me directly, I find it concerning that a government entity can dictate the number of businesses allowed in a community. Might this be extended to the number of restaurants, barber shops, gas stations, etc.?

.050 A-3 & 6

Providing floor and site plans, and proof of access are burdensome and seem entirely unnecessary.

A-11

To most entrepreneurs, such discretion given to any county administrator is frightening!

D-5

We have abundant parking space on our concrete driveway and circle, as well as an area I maintain for 'overflow' parking if necessary.

.080 D

This requirement is an unnecessary problem for us. We often attract guests that hold weddings, receptions, reunions, retreats or other small, day-only events on our spacious lawns. There have been no problems, no need for yet another permit, and this is important to us for financing the high costs of maintaining our beautiful landscaping. It is also an important factor in being competitive in the STR business.

N

This is one of the worse proposals. We strongly object to posting of any information at the roadside. Inside the house, we minimize signs so we can provide a home-like atmosphere for our guests. Outside, we do not place road signs because we do not want to alert passersby that our remote property is a rental – thereby attracting vandalism when not occupied. This entire section of the proposed ordinance is major over-kill!

O

Prohibiting RV's, tents, etc. should be at the discretion of the owner. In our case, we sometimes have a guest who for one reason or another wants to have a member of the party stay in their RV, or kids that want to use a tent. We see no harm in this as long as it does not exceed the limit of allowable over-nighters.

Q

Again, cluttering our property with postings is contrary to our providing the quality experience our guests expect and appreciate. We provide necessary information in our contract before guests arrive and in a loose-leaf notebook in the residence. That is where we would choose to display the Good Neighbor Policy but what information is provided should be left to the discretion of the owner.

.090

C-1

Regarding septic systems, I believe the county already has this information. That was the case a couple years ago when we were notified that we had to reduce the number of guests to 11 based on the size of our septic tank. [I appealed based on the intermittent use of our house, the size of the tank, cleaning it out regularly, having no water source near the drain field, and having no problems whatsoever. My appeal was denied and we have lost some revenue from groups of 12 – 14.]

.100 A

What purpose can possibly be served by placing one's registration number on advertising?!

Reading this proposed ordinance has been very discouraging. Primary goals of entrepreneurship are being one's own boss and achieving a profit after all reasonable expenses. This ordinance runs counter to both goals and the values that have made our country great. Up until now my wife and I have enjoyed a reasonably prosperous business in Tillamook County that is appreciated by our guests (we have a 4.9- out of 5-star rating on VRBO with 108 reviews).

Unfortunately, the conditions imposed by this ordinance make the future of our endeavor in Tillamook County very doubtful. We urge you to reduce the number of requirements in this ordinance if passed and to provide more flexibility for responsible STR owners.

Thank you for your consideration.

Lynn Tone

From: Public Comments
Sent: Monday, February 6, 2023 10:00 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Short Term Rental Regulations

From: R Freeman <albundy1977@gmail.com>
Sent: Monday, February 6, 2023 7:48 AM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Short Term Rental 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.]

By implementing the proposed short term rental regulations, especially the cap of 250 feet and not renewing permits after 5 years Tillamook will become more of a farm area, as it was prior to the implementation of short term rentals. You will take millions out of the county coffers, which in turn leaves less available for public projects for current locals. Tillamook and Rockaway have always been vacation areas for families, by killing this industry off you are not only hurting us, but hurting your local businesses and contractors. A gigantic portion of the local population relies on the tourism industry for survival.

Many of us who own vacation rentals only want to better the area, not take from it. My wife and I plan to retire to the Tillamook area as soon as we can, but are not of age to do so yet. By renting out our home we are helping to pay down its mortgage, so we can move there upon retirement and then contribute to the local economy. Our rentals (2) have improved the area, provided hundreds of thousands to the local economy in payments to contractors to rehab them and continue to draw money into the local economy. By highly regulating short term rentals, you are not only hurting us owners, but will be hurting the Tillamook County locals. What needs to be done is to lower fees for water/sewer hookups to encourage the building of apartments and condos available to locals only.

Thank you for your time spent reading my email; all of us owners only want the best for Tillamook and surrounding area. We are small time owners, not rich, and only want to retire to the area, and possibly get a small boost to our pension payout in retirement by renting one of our homes.

Richard Freeman
916-812-8187

Lynn Tone

From: Public Comments
Sent: Monday, February 6, 2023 9:59 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: My voice heard on Ordinance 84

From: J Walt <josephtwalt@gmail.com>
Sent: Sunday, February 5, 2023 8:17 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: My voice heard on 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.]

Hello,

I would love to have my voice heard over the county's debate on moving forward with this ordinance. While I am sure the committee means well and is trying to improve livability in the Oregon Coast neighborhoods and towns, I feel this ordinance is too broad and misguided and punishes people like me who just recently realized their dreams of owning a house in this beautiful part of the country.

I moved to Oregon in 1999 and ever since my first visit to the Oregon Coast that year it became my dream to somehow live there. The jaw-dropping beauty of the Oregon coastline, paired with the charm and hospitality of the local towns seemed the ideal place to spend my days.

My career and family ties compelled me to stay in Portland the last couple of decades, but just in the past year my family was able to purchase a house in Oceanside through a 1031 exchange. This property would help me realize my dream...I could rent it out during the year to cover the mortgage and expenses, take my family for a couple of unforgettable coastal stays a year, and then in a handful of years when my son is off to college we could finally realize the dream and live in Oceanside full time.

If this ordinance becomes policy and we lose our short term rental permit, we will be forced to sell our house and give up our dream of becoming full time Oregon Coast residents, something I've been working toward for over twenty years. Not to mention having to sell the house at a considerable financial loss after investing a healthy portion of my retirement funds in the purchase.

My family is not some corporation... mass-harvesting properties to take them off the market from locals. We are invested in the Oregon Coast and its communities, and have been dreaming of becoming full time members. We even scheduled our much delayed wedding in Oceanside this summer...the town has captivated us so that we intended to forge an eternal bond between our life and this coastal gem.

Please do not take this lifelong dream away from us. We love our family trips to the house, the beach, all the coastal towns....we have just begun forging unforgettable memories in our adorable Oceanside home. We love sharing our home with our short term tenants...it's a small house with ocean views, not a party house but perfect for couples and small families to peacefully take in the sunsets and the charms that Oceanside has to offer. We feel privileged to care for

and provide such a cozy little perch of joy for visitors to the beach. It's an honor to own a slice of the Oregon Coast, and it's an immense source of pride for me as a dream realized.

I hope I'll be able to keep the opportunity to cement this dream even further, as retaining our short term permit will give my family the time to realize the ultimate dream...to be full time residents of the Oceanside town, constituents of Tillamook County, and lucky members of this cherished coastal community.

Thank you for your time,

Joseph Walter

Lynn Tone

From: Public Comments
Sent: Monday, February 6, 2023 9:59 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR Draft Proposal - Feedback

From: Dave Benz <dave.r.benz@gmail.com>
Sent: Sunday, February 5, 2023 4:41 PM
To: jean benz <jeanbenz@gmail.com>; Public Comments <publiccomments@co.tillamook.or.us>
Cc: Jeffie Mersereau <jeffie.mersereau@vacasa.com>; Nyssa Cardwell-Sunset Vacation Rentals <nyssa@nehalem.tel.net>; Sarah Smyth McIntosh <sarah.smyth.mcintosh@gmail.com>; Sarah Smyth McIntosh <sarah@smythlanding.com>; Sunset Vacation Rentals <ssvr@nehalem.tel.net>
Subject: EXTERNAL: STR Draft Proposal - Feedback

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Feb. 07, 2024

David & Jean Benz - Owners
8194 Nehalem Road
Neahkanie/Nehalem, Oregon 97130

We have previously written a request to STR Committee Head asking a written reply to the proposal stating:
Distance between STR permitted homes of 250' to 500'.

We asked what determines who received and or who does not receive an STR permit when our home and our neighbor Steve Ferhing, each have existing permit. How would Tillamook decide which home receives a renewal permit.

Seems legally unfair to not provide a renewal to each of us.

Second, the value of our home if not allowed a STR permit to be grandfathered in, lower the value of our house when our years of rental show income covering necessary mortgage and operational costs .
We the owners bought our second vacation home to use, based on renting to pay costs associated with specifically our mortgage.

We cannot own this property without income.

Please advise your reply to our questions on our email.

[Dave.r.benz@gmail.com](mailto:dave.r.benz@gmail.com)
jeanbenz@gmail.com

Lynn Tone

From: Public Comments
Sent: Monday, February 6, 2023 9:59 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR Draft Proposal - Feedback

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

From: Janell Dixon <janell.dixon@yahoo.com>
Sent: Sunday, February 5, 2023 4:37 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STR Draft Proposal - Feedback

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The proposed 84 ordinance is completely biased and unrealistic.

20 minutes response time? Seriously? I couldn't even get an ambulance to my home in 20 minutes. I happen to live across the street from my STR, but for 99.9% of other owners this would be impossible.

As for the housing shortage argument, if I could no longer use my home as an STR I would NEVER rent it full time.

Neither would any other STR owner that I know in and around Rockaway.

A 250 foot buffer between STRs? There are 4 in a row on my street, so who gets the permit? I have never had any issues with my guests so why should I be penalized?

If a certain STR has valid complaints, then take it up with that owner. Suspend them, fine them, whatever, but don't put the rest of us in that category. We don't deserve that.

Why is the County listening to only a few complainers (count them, not even proven complaints) and not the home owners who are in more abundance and showing up at the county meetings to trying to educate you on what the facts actually are? We're not even allowed to speak. What happened to democracy?

Sam Dixon

Lynn Tone

From: Public Comments
Sent: Monday, February 6, 2023 9:59 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Did anyone see the New Proposed STR Ordinance? What is going on?

From: Teresa Vileda <teresasunshine47@gmail.com>
Sent: Sunday, February 5, 2023 4:27 PM
To: David Yamamoto <dyamamoto@co.tillamook.or.us>; Erin Skaar <eskaar@co.tillamook.or.us>; Mary Faith Bell <mfbell@co.tillamook.or.us>; Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Did anyone see the New Proposed STR Ordinance? What is going on?

[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 am a resident who lives next to a Vacation home rental. My neighbor, who owns the vacation home, recently notified me about the counsel impeding on my land use rights and creating a very strange STR Ordinance.

I never asked for this. I love the short term renters as they boost our local economy and increase the desirability of our homes.

After reading the proposed ordinance that takes away my land use rights, both my husband and I will not be voting for any of these board members again. They lost my vote and are making history on the coast, and not in a good way. My husband and I read the proposed ordinance that will affect our future right to rent if we choose to. It appears they are trying to allow only one to two short term rentals per block with a 250ft rule. Not only will that affect our local economy, it will send our home values down. It is time we work with the short term rental owners and potentially a legal team to protect our property rights. Our properties came with a very specific bundle of rights when we purchased our homes. These ordinances are taking away some of those rights, very specifically our right to rent our homes.

Some of these ordinances are not only illegal, they are downright foolish and impossible for STR home owners to follow. My neighbor explained they chose a lawyer that is strongly against Short term rentals. Why would they do that? This is exactly why these people have lost my vote. If they can't use basic common sense and seem to be led by the lawyer, I can't in good conscience vote for someone like that. These board members have a duty to protect us, our community, and our rights. I listened to some of the meetings on the city website. I saw that none of the board members stuck up for our land use rights. They sat silent without backbones. I am appalled. The lack of common sense is very disturbing. Look at the below specific item in the proposal...

They want homeowners to be at their home in 20 minutes? That isn't possible for me to do half the time, and I live here full time and don't even rent my house out.

My neighbor shared the following proposed ordinance bullet point with me:

"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 20 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 registration certification, but only by revising the registration 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 20 minutes of being summoned shall be a violation of this Ordinance....."

They said that someone commented the following in their STR group. They emailed me the below comment...

"I wonder what the State of Oregon wage and hour rules say about this? If someone is "on call" 24/7, don't they get paid for all this time? What about overtime? 911 operators get paid, work 40 hour work weeks, and get paid overtime when needed.

I should add.....There is NO Emergency Service in all of Tillamook County that can guarantee a 20 min or less response time....but apparently short term rental owners can?"

Open your eyes. This is only the beginning. People that write illogical , illegal, and impossible ordinances have no business sitting in the seats they are sitting in. Why do they want to ruin our economy? None of my neighbors are happy about this either. Makes me wonder what else they will try to ruin. You start messing with people's property rights you are in for trouble. Not to mention the money they will be taking away from our local business. What is going on in Tillamook County? It is affecting all of us!!!

Teresa Vileda

SAVE-OUR-NEIGHBORHOODS.ORG
NESKOWIN, OR 97149

February 3, 2023

TO: Sarah Absher, Director, Department of Community Development
FROM: Save-Our-Neighborhoods
RE: Draft Ordinance #84 Revisions

The working group for Save-Our-Neighborhoods has carefully reviewed the revised draft of Ordinance #84 that was distributed in advance of the Tillamook County Short-Term Rental Advisory Committee meeting on January 10, 2023. We collectively remain impressed with the quality of the draft document and the speed with which you prepared it. On behalf of the supporters of Save-Our-Neighborhoods, we thank you for listening to our concerns and for finding ways to balance the commercial activities of short-term rentals with the preservation of neighborhood livability.

Attached you will find a copy of your revised draft of Ordinance #84 in which we offer suggestions to consider as the Short-Term Rental Advisory Committee continues discussing these issues. Most of our suggested changes are minor; some provide additional points to consider. We encourage you to contact us if our suggestions need further clarification. We may also have additional comments and suggestions as the discussion continues to evolve.

Again, we thank you for your diligent handling of the Short-Term Rental Advisory Committee's deliberations and for providing opportunities for community members to weigh in throughout the process.

Contacts

Tom Prehoditch: tom@kpp-law.com

Barbara Triplett: barbtriplett@gmail.com

Short-Term Rental Ordinance

- 010 Title
- 020 Purpose and Scope
- 030 Definitions
- 040 Annual Short-term Rental Registration Certificate Required, Basic Requirements for a Registration Certificate, No Nonconforming Use Status Conferred
- 050 Application and Fees
- 060 Term of Annual Registration Certification and Renewal
- 070 Application Required and Burden for Registration 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 Registered and Operating on the Date of its Adoption
- 120 Violations
- 130 Penalties
- 140 Appeals of County Decisions Regarding Short-Term Rentals
- 150 Severability

.10 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 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 registration 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. Provide long-term residential options for those people who want to live and work in Tillamook County.
 5. 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.
 6. Help maintain the County's supply of housing available for long-term residential use.
 7. 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.
- 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 registration certificate is revocable permission to operate a short-term rental, but only as provided in this Ordinance. A registration certificate 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 rules 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 rules 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.

.30 **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 registration certificate.
- 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 (ORSCR303.1)
 - A minimum of 70 square feet of floor space and not less than 7 feet in any horizontal dimension (ORSC R304.1). If the room is intended for overnight occupancy by more than one person, it must have at least 50 square feet of floor area per person
 - Consists of four walls to the ceiling, at least one of which is located along an exterior wall with a window
 - A minimum ceiling height of not less than 7 feet (ORSC R305.1)
 - An emergency escape and rescue opening (ORSC R310)
 - A built-in closet
 - A smoke alarm (ORSC R314.3 item 1)
 - A carbon monoxide detector (ORSC R315.3)
 - 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 if designated on the registration application, the authorized agent of the owner, authorized to act for the owner of the rental.

- 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 10:00am 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. "Dwelling unit" does not include a 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 that has an existing license at the time of adoption of this ordinance.
- N. "Good Cause" for the purposes of denial, suspension, revocation, imposition of conditions, renewal and reinstatement of a Short-Term Rental Registration Certificate, 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 Registration Certificate; 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. "Non-transient rental" means to rent a dwelling unit or room(s) for compensation on a month-to-month or longer basis.
- Q. "Onsite Wastewater Division" means the Onsite Wastewater Division of the Department of Community Development.

Commented [A1]: (1) Why is it necessary to distinguish estate homes from other single-family dwellings?
 (2) Such homes could be allowed the maximum occupancy set forth in Section .80 (below) under the condition that no new licenses for estate homes will be granted in the future.

- R. "Onsite Wastewater Treatment System" means any existing treatment and dispersal system of residential wastewater.
- S. "Owner" means 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.
- T. "Registrant" means the owner of a dwelling unit who holds a Short-Term Rental Registration Certificate.
- U. "Renter" means a person who rents a short-term rental or is an occupant in the short-term rental. Renter includes the term "tenant".
- V. "Road Authority" means the Tillamook County Public Works Department and the Oregon Department of Transportation (ODOT).
- W. "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".
- X. "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,
- Y. "Short-Term Rental" or "STR" means the transient rental of a dwelling unit for a period of 30 or fewer nights per calendar year 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.
- Z. "Short-Term Rental Registration Certificate" means the annual registration certificate required by Section .040, described in this Ordinance, and referred to as a "registration certificate."
- AA. "STR 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.
- BB. "Subject Property" means the property on which the short-term rental is located.

CC. "Transfer" means the addition or substitution of ~~family members 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.

Deleted: owners

DD. "Transient rental" means to rent a dwelling unit for compensation on a less than a month-to-month basis.

EE. "Vacation Home Rental" means the transient rental of an entire dwelling unit.

FF. "Daytime" means between the hours of 7:00 am to 10:00 pm.

GG. "Overnight" means between the hours of 10:00pm to 7:00 am the following day.

.40 Annual Short-Term Rental Registration Certificate Required, Basic Requirements for Registration, 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 Registration Certificate. "Advertise or offer" includes through any media, whether written, electronic, web-based, digital, mobile, print media or any other form of communication.

A. *Certificate Must Be Obtained.* A Short-Term Rental Registration Certificate shall be obtained and renewed as prescribed in this Ordinance before a dwelling unit may be offered, advertised or used as a short-term rental. The permission to operate a short-term rental in unincorporated Tillamook County that is embodied in a registration certificate may be revoked for failure to obtain, renew or maintain registration, to operate a short-term rental in accordance with all requirements of the registration certificate, 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 registration certificate.

B. *No Nonconforming Status Conferred.* The fact that an owner of property or other entity may hold a registration certificate 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 registration certificate.

C. *Cap on Number of STR Registration Certificates In Effect for Unincorporated Communities ~~and Properties within City Urban Growth Boundaries.~~* The County has established a limit on the number of STR Registration Certificates that can be in effect at any one time for defined residential subareas within Tillamook County. If at the time of registration application for a new or renewed STR registration certificate, there is not room within the applicable subarea cap to accommodate the new or renewed STR registration certificate, the application will be denied, but the applicant will be placed on a waiting list in order of rejection/non-renewal and will be contacted by the STR Administrator as soon as there is room within (under) the applicable subarea cap to accommodate the new/renewed STR registration certificate.

Commented [A2]: How does this phrase refer to unincorporated communities?

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D. ~~Density Limitation on STR Registration Certificates In Locations Outside Unincorporated Community Boundaries and City Urban Growth Boundaries~~ The County will not issue or renew a STR registration certificate if, at the time of application, there is a valid and registered STR operating on a property within 250 feet (closest property boundary to closest property boundary) 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.

Commented [A3]: Shouldn't "Outside" be replaced with "Inside" or "Within?"

Commented [A4]: Again, how does this phrase refer to unincorporated communities?

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.50 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 Registration Certificate 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 a local representative, which can be a person or company - a Qualified Local Contact Person - who can be contacted concerning use of the property or complaints related to the short-term rental, as set forth in Section .070. For the purposes of this requirement, "local" means the representative's is within a 20aminute travel time of the subject property where the short-term rental is located.
 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 an annual mailing or distribute by hand, a flier to owners and residents of neighboring properties within 250 feet of the perimeter of the rental property containing the registration certificate number, 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.

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 registration certificate or registration 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 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 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 registration 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 withdrawn and the County may refund all or a portion of the application fee.
- D. *Registration Fees.* The fee for application for a short-term rental registration certificate or registration certificate renewal shall be as established by resolution of the Board of Commissioners, but shall not be less than the following amounts:

Commented [A5]: The charges identified in section D.1 to D.5 seem very low and may not cover the expenses incurred by the County in administering STRs. What limits the amount requested for these fees.

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. After the inspection and the County's STR Administrator has confirmed the number of bedrooms ~~does not exceed the number indicated on the application, a fee of not less than~~ \$75 per bedroom shall be due before the County issues the short-term rental registration certificate for the dwelling unit
5. Any ~~alteration~~ to an existing Short-Term Rental Registration Certificate shall be subject to a registration certificate alteration fee of not less than \$50.

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Commented [A6]: What constitutes an alteration?

.60 Term of Annual Registration Certification and Renewal

Commented [A7]: What are the logistics for issuing licenses when the pause is lifted?

- A. *Term.* A short-term rental registration certificate 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 or property ownership status changes during the 12-month registration certification period, the new property owner shall ~~timely~~ notify the County in writing of the change and provide all new contact and tax payment information ~~within XX days.~~
- B. *Transferability.* The registration certificate shall be issued in the name of the short-term rental property owner(s) and is transferable to another person or entity, but the new owners must still renew the registration certification annually and qualify according to the applicable standards for renewal.

Commented [A8]: The ability to transfer all STR licenses should be rescinded. The only allowable exception could be for family members.

.70 Application Required and Burden for Application Approval and Registration Renewal

- A. *Application Required.* Applications for a Short-Term Rental Registration Certificate 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 Registration Certificate. 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.

Commented [A9]: The phrase "continuing code compliance obligations" seems awkward. Removing "code compliance" from the sentence will leave "The approval criteria also operate as continuing obligations of the owner/contact person."

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:

I. One all-weather travel surface off-street parking space shall be provided for every bedroom in the dwelling unit. ~~In calculating the number of spaces required, the total shall be rounded up.~~ 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 registration certificate renewal to show the garage is available and large enough for vehicle parking. 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 Registration Certificate.

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Commented [A10]: This sentence seems unnecessary since the number of bedrooms will always be a whole number.

2. Vegetation removal in the front yard shall be the minimum necessary to create and maintain the required parking spaces.

Commented [A11]: Doesn't this sentence need more specificity? Who will be the arbiter of how much vegetation removal is too much?

3. Each parking space shall be a minimum of 8-feet by 20-feet. Parking spaces shall be oriented on the subject property in a manner that ensures maneuverability of vehicles within the property boundaries.

4. No more than one (1) vehicle per bedroom shall be allowed for each STR. Two (2) additional parking spaces may be allowed for daytime guests. **On-street parking is prohibited.**

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 require all renters to use the off-street parking 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. *Registration Approval and Annual Renewal Criteria.* To receive approval, registration certificate renewal, or maintain registration certification, an applicant must demonstrate with a preponderance of credible relevant evidence that all of the criteria in Section .080 are satisfied.

G. *Initial and Every Third Year Renewal Inspections.* To merit approval of an initial (first year) Short-Term Rental Registration Certificate 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.

.80 Operational Requirements and Standards for Short-Term Rentals. To qualify to obtain or retain registration certification, 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 Registration Certificate.

- A. *Maximum Occupancy.* The maximum overnight 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 overnight occupancy of six (6) people. The contact person may allow up to two (2) minor 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 physical inspection of the short-term rental and using County Assessor and/or Department Building Division records.
- B. Maximum overnight occupancy of a rental shall not exceed 10 (ten) persons within the short-term rental dwelling unit and up to two (2) minors aged twelve (12) and under.
- C. ~~The owner of an "Estate Home" shall be exempt from subsection (B) of this section to allow for up to four (4) additional people. Exemption shall allow for a maximum overnight occupancy of fourteen (14) persons. The contact person may allow up to two (2) minor children, age 12 or under, to occupy the short-term rental in addition to the maximum number of occupants otherwise provided in this Subsection.~~
- D. The maximum-daytime occupancy for any short-term rental shall be limited to the overnight maximum occupancy plus six (6) additional people. For example, a two-bedroom dwelling unit is permitted 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 the 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 satisfy this requirement. Where registration certification 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 Registration Certificate.
- F. *Noise.* Any radio receiver, musical instrument, phonograph, loudspeaker, sound amplifier, or any machine or device for the producing or reproducing of any sound shall be conducted within a fully enclosed short-term rental dwelling unit and shall not be audible beyond the property lines of the subject property where the short-term rental is located.

Deleted: two (2) additional bedrooms

Deleted: with no more than two (2) persons for each additional bedroom

Commented [A12]: Aren't references to the bedrooms unnecessary since "Estate Home" is defined already in .30.M?

- G. *Quiet Hours.* The hours of 10:00p.m. to 7:00a.m. are quiet hours, and there shall be no amplified music and no loud singing, talking or other audible noise during quiet hours that can be heard beyond the property boundaries of the short-term rental property.
- 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 registered short-term rental shall be fully permitted and all work completed by a licensed and duly qualified contractor. 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.
- 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 20 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 registration certification, but only by revising the registration 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 20 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, chimney and dryer vent cleaning, etc.) shall be required with each annual short-term rental registration application and renewal. The contact person shall be responsible for completing the fire safety checklist and ensuring continued compliance. The County shall verify the information required prior to issuance of a Short-Term Rental Registration Certificate 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.

Commented [A13]: There was a chimney fire in a Neskowin STR in the fall. Wood-burning fireplace and wood stove chimneys need to be cleaned annually. Similarly, dryer vents need periodic cleaning.

Commented [A14]: Recommend a fire extinguisher size.

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. Every bedroom shall have a smoke detector that is interconnected with a smoke detector in an adjacent hallway, common area, or in the immediate area of bedroom. Additionally, an interconnected smoke detector shall be placed on each additional floor and basement without a sleeping area. Interconnected may be via hardwiring or battery-operated wireless interconnectable smoke detectors.
6. A carbon monoxide detector/alarm device shall be placed and maintained in each bedroom or 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 lighting shall be directed in a downward direction to prevent glare onto adjacent properties.

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 sleeping area 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 covered garbage containers that can be secured in compliance with franchise

Commented [A15]: Please add the following modification and additional safety requirements.
 10. Exterior lighting shall be directed in a downward direction to prevent glare onto adjacent properties and should be turned off during the quiet hours from 10 PM to 7 AM.
 11. Exterior hot tubs and saunas shall have adequate structural support and shall have a locking cover or other barrier to protect children from gaining unpermitted access.
 12. Reflective house numbers shall be visible from the street at night to aid emergency responders.

requirements. 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. *Mandatory Postings.* The Short-Term Rental Registration Certificate 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 and at the property's boundary at the front of the dwelling unit where it is visible and readable by anyone in the road right-of-way. Additionally, the owner shall post a placard inside the short-term rental dwelling unit at the front door and outside the unit at the property line where it can easily be read by people in the road right-of-way that contains the following information:

Commented [A16]: STR garbage management can be handled in any of the following ways: (1) guests take the garbage to a transfer facility, (2) guests take the garbage to their home, (3) guests/cleaning staff place garbage cans in the driveway no earlier than the morning of collection, (4) guests/cleaning staff place bear-proof cans in the driveway at any time.

Commented [A17]: Dwellings in the projected tsunami inundation zone for a Cascadia Subduction Zone earthquake should be identified on the Registration Certificate.

Commented [A18]: The minimum size of the placard shall be 12" x 18".

- I. The registration number that confirms the certificate is issued by Tillamook County, with the date of expiration.
2. The name of the property owner and the contact person and a telephone number where the contact person may be contacted in case of any problems and/or complaints about the short-term rental;
3. The number of approved maximum parking spaces and their location(s);
4. The number of bedrooms and maximum occupancy permitted for the short-term rental;
5. Any required information and conditions specific to the Short-Term Rental Registration Certificate;
6. Day of week of trash pickup;
7. The property address.
0. No recreational vehicle, travel trailer, or tent or other temporary shelter shall be used as or in conjunction with a short-term rental. No occupancy of a parked vehicle, including recreational vehicles is permitted in conjunction with a short-term rental.
- P. 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.
- Q. 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, and provide copies to all short-term rental renters:

Good Neighbor Policy:

Commitment to Community: We share our Expectations of Conduct with guests in multiple ways: on our website, at time of booking, and upon arrival. These are

enforceable standards required by the local jurisdiction. We think it's good information for residents, too! Here are a few examples:

- Neighbors & Noise - The neighborhood general quiet hours are from 10 pm to 7 am.
- Parking - Parked vehicles may not block driveways or emergency vehicle access lanes; Obstructed access means delays, and delays could cost someone's life. Park smart.
- Speed Limits - Be mindful of posted speed limits. If you're not sure, slow down.
- Garbage - All garbage will be put in the provided secure containers and will be picked up by a local franchised hauler at least once a week. Did you know it is a crime to put garbage into a can that is not for your home?
- RVs - Occupied trailers and tents are not allowed on the premises at any time.
- Pets - Leash your pet unless you are in a clearly defined off leash area. ~~Also, clean up after them. "It's your duty to pick up your pet's waste!"~~
- Fires - Fires are only allowed in designated areas and should never be left unattended.
- Fireworks - The State Fire Marshall says, "Keep it legal and keep it safe!" Fireworks are illegal in residential areas and prohibited on all of our beaches.
- Drones - Be mindful of where you are flying, and respectful of private property and wildlife.
- Extras during COVID - We ask our guests: "In the last 14 days, has anyone in your party: 1) Been tested for COVID, 2) Tested positive for COVID, and 3) Exhibited symptoms of COVID?" We encourage social distancing and offer contactless check-in & check-out.

Commented [A19]: Pet waste must be collected and appropriately discarded in the STR's garbage can. It is unacceptable to leave bagged pet waste along the road or in undeveloped lots.

Commented [A20]: How are "designated areas" defined and identified? Use of fire pits should be allowed only when the fire danger is low.

.90 Additional Inspections Required. To merit approval of an initial (first year) Short-Term Rental Registration Certificate 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:

- 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 Registration Certificate shall be not issued until the short-term rental passes inspection by the County Building Inspector.
- 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 registration 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.
1. 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 3 years of the date of the registration 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 the ESER or within the specified timeframe for completion of the reinspection as specified in subsection B above, whichever occurs first. Registration certification shall not be issued or renewed 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, registration certification shall be revoked.
 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, 2023. 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 Registration Certificate. The Onsite Wastewater Division is the delegated authority to adopt 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 the Unincorporated Tillamook County.

- A. *Advertising and 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 twenty (20) minutes to complaints from or through the Hotline and shall respond in-person within thirty (30) minutes to any additional or successive complaints regarding the condition, operation, or conduct of occupants of the short-term rental. Unresolved complaints shall result in an immediate violation 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 Registration Certificate, 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.* Examples of events include, but are not limited to, organizational meetings, company retreats, wedding ceremonies, rehearsal dinners, family reunions, anniversary or birthday parties etc. Events where an approved Temporary Use Permit

has been issued by the Department of Community Development are exempt from this prohibition.

2. Unattended barking dogs.
3. Activities that exceed noise limitations contained in this Ordinance.

.110 Implementation of this Ordinance and Application to Short-Term Rentals Registered and Certified on the Date of its Adoption. All new/initial Short-Term Rental Registration Certificates 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, registered and operating on the date of adoption of this Ordinance (Lawful Pre-Existing Short-Term Rentals).

A. Lawful Pre-existing Short-Term Rentals. To qualify as a Lawful Pre-Existing Short-Term Rental, the property owner must be able to demonstrate the following with credible evidence to the satisfaction of the County's STR Administrator:

1. The short-term rental operator had a County-issued registration certificate during the 12 months preceding adoption of this Ordinance.
2. Proof the short-term rental has been rented during the 12 months preceding adoption of this Ordinance for a verifiable number of nights.
3. The short-term rental owner paid the County's Transient Room Tax during the 12 months preceding adoption of this Ordinance for a verifiable number of nights.
4. The short-term rental owner paid the County's Short-Term Rental Operator License Fee during the 12 months preceding adoption of this Ordinance.

B. Deferred Compliance with Some STR Requirements for Renewal of Lawful Pre-existing STRs. Lawful Pre-existing STRs, as defined in this section, shall be subject to and comply with all of the operational requirements in this Ordinance except for the following:

1. *New application or renewal precluded due to the subarea Cap.* The subarea caps limitation in Section .040(C) shall not apply to the first 5 registration renewals for Lawful Pre-Existing STR following adoption of this Ordinance. Registrants must still renew their registration annually but will not be denied due to the subarea cap during the first 5 renewals. Thereafter, all applicants for a new or renewed STR registration shall be subject to the applicable subarea cap.
2. *New application or renewal precluded due to 250-foot density limit.* The 250-foot minimum separation density requirement in Section .040(D) shall not apply to the first 5 registration renewals for a Lawful Pre-Existing STR following adoption of this Ordinance. Registrants must still renew their registration annually but will not be denied due to there being an active registered STR property within 250 feet the applicant's property. Thereafter, all applicants for a new or renewed STR registration shall be subject to the applicable 250-foot minimum separation distance between registered STRs.

Commented [A21]: We appreciate the underlying basis for Sections B.1 and B.2 but anticipate additional discussion will be needed.

C. *Compensation for Reasonable Investment in a Dwelling Unit as a Short-Term Rental.*
When the operation of a short-term rental must be curtailed or eliminated as a result of this Ordinance.

1. The 5-year deferred compliance (amortization period) provided for in this section for Lawful Pre-existing Short-Term Rentals shall be deemed just compensation for any reasonable investment that the property owners may have made in the dwelling unit for its use as a short-term rental that cannot otherwise be recouped, through use of the dwelling unit for long-term residential tenancy. In the event that an owner deems the amortization period provided for herein to be insufficient compensation to recoup his or her reasonable investment in the property's actual use as a lawful short-term rental (*i.e.*, hosted homeshare or vacation home rental) or imposition of these regulations results in a demonstrable reduction in the property's fair market value, such a property owner shall apply for additional compensation from the County pursuant to this section.
2. To seek additional compensation, the property owner shall submit a written claim for additional compensation with the County's STR Administrator within 90 days after the adoption of this Ordinance. In such claim, the property owner shall provide documentation of the owner's reasonable investments in the property exclusively for its use as a transient rental that exceed the value that can be recouped from continued transient rental use of the property for the amortization period and which cannot be put to any other economically viable use of the property. The property owner's burden of proof requires credible evidence that this Ordinance caused a reduction in fair market value of the property as a lawful short-term transient rental as compared to use of the property for long-term tenancy that cannot be recouped by the amortization period provided in this section. For purposes of this section, "credible evidence" means a professional real estate appraisal of the property's value with and without the regulations in this Ordinance, less the rental value derived from the 5-year amortization period for herein. If the property owner is able to demonstrate that application of this Ordinance resulted in a loss in property value that cannot be recouped through the amortization period provided for herein, the County STR Administrator may provide additional compensation in a form and amount of the Administrator's choosing based upon the evidence.
3. The property owner may appeal any such final determination pursuant to Section .140.

.120 Violations. In addition to complaints related to nuisance and noise and other violations of ordinances the Tillamook County Code, 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 Registration Certificate.

- 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 Registration Certificate 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 Registration Certificate.

.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, of 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:

Commented [A22]: The fines described in B.1 to B.4 seem too low to prevent bad behavior.

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 Registration Certificate and cessation of use of the dwelling unit for short-term tenancy:
 1. Failure to renew a Short-Term Rental Registration Certificate as required by Section .060 while continuing to operate a short-term rental.
 2. Receipt by the County of 3 or more unresolved complaints about the short-term rental within a 12-month period alleging violations of the requirements of this Ordinance.
 3. The discovery of material misstatements or that the registration application included false information for a Short-Term Rental Registration Certificate or renewal shall be grounds for immediate revocation of the certificate.
 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 certificate.

5. Upon an emergency suspension or revocation of a Short-Term Rental Registration Certificate 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 Registration Certificate 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 or revoking a Short-Term Rental Registration Certificate may be challenged, if at all, only pursuant to this section. This includes a decision by the County's STR Administrator made pursuant to Section .110 regarding a Lawful Pre-Existing Short-Term Rental.

A. *Filing Requirements - Notice.* The property owner or authorized agent may appeal a decision to approve, renew, deny or revoke a Short-Term Rental Registration Certificate, including any decision related to a Lawful Pre-Existing Short-Term Rentals under Section .110.

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 registration application, registration 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 by resolution a fee for filing an appeal 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, 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 Registration Certificate, 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 Registration Certificate, operation of the short-term rental may continue under the Short-Term Rental Registration Certificate.
- 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.

Lynn Tone

From: Sarah Absher
Sent: Monday, February 6, 2023 7:10 AM
To: Nicole Twigg; Lynn Tone; Erin Skaar
Subject: Re: Public comment data collection

Thank You Nicole,

We will include this data as public comments for committee review.

Sincerely,
Sarah

Sent from my T-Mobile 5G Device
Get [Outlook for Android](#)

From: Nicole Twigg <nicoletwigg22@gmail.com>
Sent: Monday, February 6, 2023 6:35:54 AM
To: Lynn Tone <ltone@co.tillamook.or.us>; Sarah Absher <sabsher@co.tillamook.or.us>; Erin Skaar <eskaar@co.tillamook.or.us>
Subject: EXTERNAL: Public comment data collection

[**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, Community Development, the STR Advisory Committee, and any other interested parties.

There have been some looming questions after all the presentations about property data, and what would be the desired outcome of a reduction of STRs in Tillamook County. If we reduce the overall numbers, what would these properties become? Who would benefit? I have compiled a list of data that I don't believe was previously (and recently) presented. I tracked data collection points and am happy to discuss any part of this process that led to these findings.

Nicole Twigg
Kiwanda Coastal Properties
503-816-9516
kiwandacoastalproperties.com

To County Commissioners, Community Development, the STR Advisory Committee, and any other interested parties.

There have been some looming questions after all the presentations about property data, and what would be the desired outcome of a reduction of STRs in Tillamook County. If we reduce the overall numbers, what would these properties become? Who would benefit? I have compiled a list of data that I don't believe was previously (and recently) presented. I tracked data collection points and am happy to discuss any part of this process that led to these findings.

Nicole Twigg, committee member
Vacation Rental Manager/Realtor

Data suggests that the average home sold in Tillamook County since January 2021 has sold for 19% higher than the county's assessed Real Market Value (RMV). (See data collection analysis at end of this report).

We cross referenced the Tillamook County STR permit list from August (assuming that due to the pause, this list is generally accurate with **993 permits**) with county RMV assessed valuations.

STR list data:

RMV range from \$19,400-\$3,680,740.

60% of STRs with RMV less than \$200k are zoned commercial (condos). Several other condos are assessed above \$200k.

*Total approximately 56 commercially zoned Neskowin Condos permitted. Some condos restrict full-time residence based on HOA rules. Commercially zoned condos were designed and have historically been tourism lodging. **Hotel style condos are rarely eligible for conventional primary-home mortgage.***

Taking the county average of 1.19% of RMV:

- 80% of the STR list is over \$450k
- 64% of the list is over \$600k
- 40% is over \$800k
- 23% is over \$1 million

Workforce housing is defined as 50-120% of median household income (according to Housing Needs Analysis of Tillamook County December 2019)

- Median household income in 2021 was \$55,730
- 120% is \$66,876.

Home pricing affordability at 120% of median income of Tillamook County:

Affordability Calculator

Use Zillow's affordability calculator to estimate a comfortable mortgage amount based on your current budget. Enter details about your income, down payment and monthly debts to determine how much to spend on a house.

Annual income * (1): \$ 66,876

Home price Payment Full report Share

Calculate by payment

Monthly debts * (2): \$ 0

Down payment * (3): \$ 20,000

Simple ^

Debt-to-Income * (4): 36 %

Interest rate * (5): 5 %

Loan term * (6): 360 months


Include taxes/ins (7)

Property tax * (8): 1.2 %

Home insurance * (9): \$ 800 /year

You can afford a house up to \$292,361

Based on the information you provided, a house at this price should fit comfortably within your budget. **Learn more**

 \$1,994/mo

Affordability Calculator

Use Zillow's affordability calculator to estimate a comfortable mortgage amount based on your current budget. Enter details about your income, down payment and monthly debts to determine how much to spend on a house.

Annual income * (1): \$ 66,876

Home price Payment Full report Share

Calculate by payment

Monthly debts * (2): \$ 0

Down payment * (3): \$ 150,000

Simple ^

Debt-to-Income * (4): 36 %

Interest rate * (5): 5 %

Loan term * (6): 360 months


Include taxes/ins (7)

Property tax * (8): 1.2 %

Home insurance * (9): \$ 800 /year

You can afford a house up to \$431,023

Based on the information you provided, a house at this price should fit comfortably within your budget. **Learn more**

 \$2,005/mo

- Purchase based income estimate at 5% interest (far lower than national average), and no debt at the time of purchase.
- With 20k down payment, purchase affordability is \$292k.
- With \$150k down payment, affordability is \$431k.

Including hotel style condos, and homes valued over \$450k, 85% of STRs are not viable for the very highest bracket of workforce housing households.

Is the goal of STR reduction to lower property values throughout the county?

Ticor Title provided a list of rural improved properties totaling 16,411 structures.

- We removed anything zoned commercial.
- Removed everything with RMV under \$25k (not likely a viable home)
- Removed 4 records over \$10 million (one was the Cottages at Cape Kiwanda which is fractionally owned so perhaps that's why it's zoned residential?)

14,429 improved residential structures remain in the rural county.

Which means STRs represent less than 7% of the total housing stock in Tillamook County.

Average price of total (taking into account average sales price of 119% of RMV) = \$582,686

- 8.7% are below \$100k
- 19% are below \$200k
- 30% are below \$300k
- 46% are below \$450k

25% of the County's housing stock is valued at over \$800,000.

What is the purpose of the reduction of STRs? If they represent less than 7% of the county's entire housing stock, what should that number be? The maps presented at the start of our committee reflected that the vast majority of the STRs are within walking distance to the beach. These homes are traditionally higher RMV. Reducing STRs in these areas would make room for what? Not workforce housing. Based on the data, it will only encourage more wealthy owners who do not need to work, or rent their homes. These homes will then contribute less to enhancing the working economy of our community.

What is the goal of reducing total numbers of STRs?

What would happen to these homes? How would current STR homes that could be removed from the current STR program be used? Who might likely use/own/purchase these homes if they are not STRs?

- 2nd homes not available for tourism lodging?
 - Vacant neighborhoods, insignificant benefit to the local economy.
- Average Workforce housing
 - Very small percentage of current STRs would be affordable for workforce
- Investors for long-term tenants?
 - Very small percentage of current STRs would make a good, cash positive investment for long-term landlords.
- Top-tier workforce housing?
 - Very top tier like management rolls making a significant amount above median household income for the county. How many people make enough to afford an \$800k home? And would they want to live right near the beach full time?
- Non-workforce permanent housing
 - Retirees, wealthy people who do not need rental income to own their home. Not available for workforce and reducing the number of jobs in our local community. **This appears to be the goal that the new ordinance is designing for.**

Data collection method:

RECEIVED 16K+ List of rural tillamook county developed parcels (homes). I am uncertain if this may have contained a small number of properties within cities but I had requested rural county developed parcels.

filtered out sales within the past 2 years (2021-today)

1400 approx sales

We excluded 134 that sold for less than 50% of their RMV. These were extreme and perhaps severely dilapidated, or more likely, between families.

Average sales amount of excluded \$134k. Average market value \$666k

Excluded anything (32 SALES) that looked like RMV was assessed as vacant land (RMV less than 200) AND sales price was more than 400% RMV.

Average sales amount of excluded 613k. Average RMV \$50k

Remaining 1233 sales

Average 119% of RMV

Lynn Tone

From: davefr <davefr@gmail.com>
Sent: Saturday, February 4, 2023 12:10 PM
To: Lynn Tone; Sarah Absher
Subject: EXTERNAL: Short Term Rental 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.]

*Lynn/Sarah,
Please direct this public testimony to the Short Term Rental committee.
Thanks,
Dave*

As residents of the community of Oceanside, we are happy to share our little "slice of heaven" for visitors to enjoy. However there needs to be both fairness and balance.

It would be unfair to abruptly take away the short term rental opportunity from existing property owners who have come to depend on this income stream. On the other hand it's unfair to let Oceanside become a revolving door of anonymous tenants vs. a community of friends, family and neighbors.

That's where balance comes into play. We feel strongly that a cap should be put in place to "grandfather in" the existing short term rentals. However we feel that future growth in short term rentals should be very restricted. Especially if surrounding counties ban short term rentals which would make Oceanside a magnet for future STR growth.

Thanks for listening,
David and Rose Friedlund
2500 Cape Meares Loop
Oceanside, OR

Lynn Tone

From: Nicholas Young <nicholas@oregonvacationrentals.com>
Sent: Saturday, February 4, 2023 11:02 AM
To: Lynn Tone
Cc: Sarah Absher
Subject: EXTERNAL: STR Opinions

[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,

As a manager of one of the larger vacation rental companies in the area I want to give my opinion on some of the new regulations that are being suggested.

The main theme of my opinions are that rental management companies need to be required to have a larger local presence for the properties they manage. This should include a local office that is staffed 7 days a week and a 24/7 response team to handle issues that are called in immediately. In my time managing rentals in the Pacific City area I've had only a few complaints from full time residents. I immediately resolved the issues personally and gave those residents my cell number in case they ever ran into further issues. It should be the norm that residents are treated with the same level of urgency that property managers show their owners in order to bolster a healthy relationship with the community.

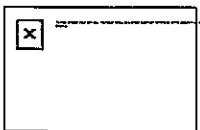
The suggestion to limit rentable nights, in my opinion, is a major oversight. Rental companies have complete control over rentable dates. The first response to this limitation would be to block the rental calendar for any dates outside May 15th-September 15th. This means the peak season remains just as busy and chaotic as it always is and in the off season all the rentals would shut down completely. This would cause local business owners to lose revenue that tourists bring in during the slower seasons and local residents to be laid off in droves. It seems like a "solution" that will only solve a "problem" during the dates that rentals are not considered a problem, but rather a lifeline for the community. After two years of the rental season being year round this may have offset the reality that during the months of October-April most rentals run at 25% occupancy and that the guests that rent during this time are often retirees enjoying the stormy weather and slower pace.

Limiting occupancy also seems to be a fallacy that people outside the industry think will help the problems. My viewpoint is that guests will still bring all the members they intended to bring, however they will be split among multiple properties. Outside looking in this seems like a positive outcome, however it leads to increased traffic with guests having to travel between rentals to meet up with family and friends, increased noise from guests coming and going, and increased likelihood of people driving under the influence. The best situation is to, within reason, allow as many guests as we can to remain in one rental. I agree that a property should never have more people than comfortably, or safely, fit inside the home and the current restrictions do a pretty good job at outlining that number.

I apologize for this email being fairly disjointed and all over the place, however each time I thought I was done another topic arose.

Best,

--



Nicholas Young | General Manager

Direct Line: 541-418-0115

Main Office: 503-528-7480

Website: <https://www.oregonbeachvacations.com/>

Lynn Tone

From: Pat Mulvihill <patmulv@gmail.com>
Sent: Friday, February 3, 2023 4:49 PM
To: Lynn Tone
Subject: Re: EXTERNAL: STR issues

thanks Lynne here are our comments on the proposed ordinance change;

Our family owns a home in the Neahkahnie community which we have rented on and off for about 10 yrs. Prior to that the property was owned by other family members and we managed the rental/maintenance for them for about 5 yrs. We have always done much of the work ourselves, including repairs/ maintenance, advertising, scheduling, cleaning and all other managerial duties. We do not attempt to rent the home often or at premium prices in order to turn a profit as a business - but we do rely on some income from the property to help afford the cost of ownership including primarily taxes ,utilities, maintenance and repairs etc. At this point we rarely advertise or seek new renters but basically rent to a group of returning renters to help meet some of our expenses. We have rarely raised our rates and are clearly underpriced but are happy to provide an affordable place for others to enjoy the beach. This is not an easy way to go, but the limited income allows us to own a house at the beach we love.

First, we agree that the growing number of STR 's requires regulation to preserve the character and unique attributes of the area and to preserve the lifestyle of full and part time residents who do not benefit directly from an STR. The current ordinance does probably need to be changed to prioritize the concerns of non STR residents . However we do not think the proposed ordinance is addressing the actual problems in a fair, effective fashion. For example ;

limiting the number of STR residents and spreading them out is clearly a desirable goal, but cutting off new applicants altogether is probably not a fair way to get there. Just because a property owner has already obtained a permit etc should not prohibit others from offsetting costs of their home by providing small minimally intrusive short term housing. In order to spread the benefits of STR, at minimum the permits should not automatically transfer on sale. Transferring a permit only encourages profit oriented investors as opposed to part time residents who need help paying for their property. Perhaps a larger number of permits would be reasonable if the permits were rotated and some years the permit would not be useable as they were alternated with others. This could also help with the spacing of STRs, by avoiding too many in one area in a given year. Rotating the permits would also reduce the harsh effects of the 250 ft setback proposal while still discouraging areas of STR saturation.

If there is to be a limitation on property owners ability to rent short term, rather than creating an extreme have and have not situation by cutting off new applicants, a fairer approach would be to limit the amount of money one could make on their STR per year. For example, income limited (or more highly) taxed at 3 times their property tax . This would reduce neighborhood impacts, by reducing rental days while discouraging the constant escalation of rental prices to the point where only the wealthy can come to the beach. It could also reduce the number of buyers who purchase solely for investment purposes (hoping to maximize rental days) which in turn drives up housing costs. After reaching an income limit their permit could move to another applicant.

The regulation of STRs is already pretty burdensome but much more so for those making modest amounts of money, as many of the hard costs are unrelated to STR income (taxes, utilities, permit fees, repairs etc). According to the County website there is a huge discrepancy in income from STR's, many generating < \$10k a year others over \$100k . It is neither logical nor fair that these situations be treated in the same way.

In our view the proposed ordinance is flawed in 2 major areas. As described above there is an all or nothing approach to permits - one either has a permit or not, and those without have no realistic chance of obtaining one. Second, the ordinance does nothing to address large constantly rented properties. A six bedroom house renting at \$1000 per night should not be treated the same as a small studio rented at \$100/night. The two rentals present far different impacts on the community and the smaller rentals are far more consistent with the goals of regulating STR 's. Despite the negative impacts of large organized rentals (and a prevailing community objection to them) the ordinance appears to reward the large party house rentals by making exclusions for occupancy and parking for 'estate' properties. There is no disincentive to creating larger and larger STR's despite their disparate impact.

Lastly, the proposed ordinance presents some smaller operational provisions which are either unclear or illogical. The requirement for weekly assisted trash pickup seems unnecessary and wasteful - what if no one is there or there is no trash? Further the trash provision implies that recycling should go 'only' in the waste container - obviously not a good policy. The ordinance requires all work on an STR be done by a licensed contractor - this is impractical, if not impossible and unnecessary as all structural work requires inspection in any event. The requirement that a contact person be within 20 minutes of the property is also likely impossible and clearly designed to force owners to use local management companies which in turn encourages charging higher rates and renting more often - exactly the result the community opposes. In summary the ordinance may mean well but does not distribute the regulatory burdens fairly and encourages the ascension of large capacity, expensive STR's rented as many days as possible. What our neighbors understandably object to is large groups of loud and inconsiderate renters. The county could also help - use the STR income to enforce the existing noise regulations caused by day visitors, locals and STR's (see 4th of July- maybe send a police car to Neahkahnie at 10:00 pm) empty the dog poop containers and provide trash cans etc - rather than shift the obligation to STR owners to regulate behavior. Pat and Jill Mulvihill

On Thu, Feb 2, 2023 at 1:54 PM Lynn Tone <ltone@co.tillamook.or.us> wrote:

You can submit any public comments to me.

From: Pat Mulvihill <patmulv@gmail.com>
Sent: Saturday, January 14, 2023 6:13 PM
To: Lynn Tone <ltone@co.tillamook.or.us>
Subject: EXTERNAL: STR issues

[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. My wife and I would like to be on the contact list for proposed STR changes etc. We own property in Neahkahnie and are registered for short term rentals. We heard about the most recent

meeting from a neighbor but by then it was too late to join in. Is it too late to submit comments on the proposed ordinance ? If not when /where and how is the best way to do so?

I hope you are the right person to contact - if not can you forward this request to the appropriate place ? thank you for your help Pat Mulvihill

Lynn Tone

From: Public Comments
Sent: Friday, February 3, 2023 3:57 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Short Term Rentals - Proposed Ordinance 84 Revisions

From: April Yungen <apriyungen@gmail.com>
Sent: Friday, February 3, 2023 2:56 PM
To: Public Comments <publiccomments@co.tillamook.or.us>; Sarah Absher <sabsher@co.tillamook.or.us>
Subject: EXTERNAL: Short Term Rentals - Proposed Ordinance 84 Revisions

[**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 and Committee,

I would like to introduce you to some of our guests by way of their letters to us in our guest book. As you can see, these are families who appreciate having a place to stay and enjoy the coast much like we all enjoy our own homes. They enjoy the outdoors, eat at local restaurants, cook at home, play games, etc. These are not things that are a burden on our neighbors.

SUBJECT:
DATE: 4/22/19

Fernando's
40th Birthday!

-This my best birthday ever.

-The house is beautiful, so comfortable,
and so well prepared for guests. You
think of everything!

We love Manzanita. So charming,
fun, less crowded than C.B. or J
seaside + with less children around.
Perfect fit for us.

Thanks so much!

Fernando, Spike, Chris, Larry, Fabio
Portland, OR

(even the easter bunny left some
eggs around!!)

SUBJECT
DATE: / /

SEPTEMBER 2012

♡ LOVELY PLACE ♡

Thank you!

THE PASTRIES AT
BREAD & CLEAN
ARE AT

THE COFFEE AT
MANZANITA CAFE IS
PERFECT! ♡

THANK YOU FOR
ALL THE LITTLE DETAILS
FOR A PERFECT STAY!

KEMES & KEVIN

♡

SUBJECT: Visit to Manzanita
DATE: 4/13/19

Dear owners of this home, (Bob & April)

This place was AWESOME!
It was huge and had a great view. The kids got their own beds and slept well. We had fun walking by the beach and discovering tide pools. We loved the decks even though it was rather rainy. We loved how clean it was when we arrived and how the house was in the cute tiny town of Manzanita. We left it as clean as we can. We'll want to visit again. We loved our stay! Thank you!

~~Do not~~
The ping-pong was super fun!

From,
The Jacksons,
Seattle, Washington, & KC, Kansas

P.S. - We all used the pool pump!

(Pizza garden is a great place with animated staff)

SUBJECT: Capobianco Family
DATE: 1/11/19

We enjoyed staying in
your home and loved
~~visiting~~ the Coast and
the Mexican Place. We
will definitely visit again
soon. Heh Heh.

Signed,

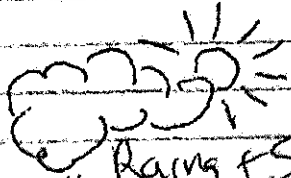
-Donato, Kimberly, Enzo and
Giorgia Capobianco

P.S. it was really
nice to have you at home
it was awesome!

October 15-18th

The Tran family had a wonderful trip. We've been coming to Manzanita for years and this was the best place we've stayed at. We will definitely try and book here in the future. Our daughter had a blast finding "treasure" on the beach.

Madeline, Khai & Lumen



6/10 - 6/12

Dear April + Rob,

Rainy & Sunny
Cool and Cozy

What a comfortable, stress free space with my family of four, Zach, Caralyn, Matt + Me. It

was the best way to celebrate a birthday! We all love the BIG bath, the fires, the cozy chairs, beds, and sofas.

The sounds of birds was enjoyable. We enjoyed the

Manzanita Farmer's Market, an. Thata Restaurant, and to walk

Came from family

through neighborhoods to ~~and~~ the beach and back. It was nice watching the sky, tree

ram, clouds and sun through large windows + deck. Thank you so much

bird

SUBJECT
DATE: 11 '10 21

Parsons Family loved it all!

Wanda's cafe/bakery was amazing

The beaches were heaven sent.

Ventured to Cannon Beach,

Tom's Fish n chips was great!

We will be back no doubt! ♥

Parsons ♥
Chloe, Ryder, Sage, Mandi

SUBJECT:

DATE: 5/2/22 - 5/7/22

We had a wonderful time exploring the area. The highlights include crabbing off the dock at Kelly's & our walk to Short Beach.

Our kids from Portland came to see us and enjoyed showing us around and introducing us to some of their favorite places to eat. Lovely place to stay!

Pamela & Brian Ahar, Canadensis, PA
Mark & Neila Brownstein, Arizona

SUBJECT: thank -you!
DATE: 8/22/2020

29
What a wonderful tucked away base
camp this has been for our week of
exploring the coast and Manzanita. We
three desperately needed an actual trip
away (our last was in 2014...) and
this fit the bill marvelously. We are
the latest three of many, I'm sure, to
have fallen in love with Manzanita.
A perfect town for a week of reading,
games s'mores, beach sunsets - I could
not have asked for a better place to
celebrate my golden (!!) birthday.

Next time we'll have to bring our dog;
this is a rare perfect for dogs Airbnb!
And someone has to police the chipmunks.

Thank you for opening your doors for
us to get some much needed decompression
and rejuvenation. ;)

- I, L, M
↑; Eugene, Or.

PS We loved discovering + filling the
humming bird feeder; it made for quite
a few happy hummers!

SUBJECT:
DATE: 2/16/21

Thanks for sharing your wonderful home with us! It was the perfect get away for a long weekend. We loved visiting and playing on the beach. The dogs ran forever and were exhausted at the end of the day. We drove down to Tallahassee and had our fill of ice cream from The Creamery. We also enjoyed lunch + beer to go from Pelican Brewery. Everything about Whispering Pines was great. Thanks for having us!

The Claus Family

Tyler

Megan

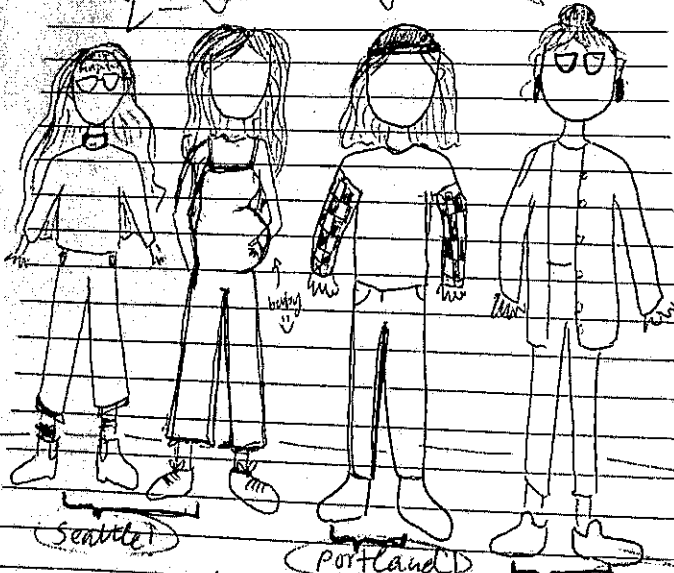
Ryker

••• Fish + Chips •••

SUBJECT
DATE: 8/20/21

Such a wonderful place for our
sister reunion getaway!
we loved this peaceful + beautiful
get a way!

we love it here!



we will definitely return!
-the Sept sisters

SUBJECT
DATE. 1/12/20

We had a great weekend
celebrating two 40th birthdays! The
house was cozy, clean and a great
space for 3 couples. We enjoyed
playing ping pong, cornhole and visiting
the beach between the storms. We
enjoyed visiting McGregors & Bread +
Ocean bakery. Thanks for a great
stay!

The Joachims (Domascus)
Palmers (Van, WA)
& Kaisers (Forest Grove)

Thank you for your time.

April Yungen, Manzanita

Lynn Tone

From: Public Comments
Sent: Tuesday, February 7, 2023 1:57 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Ordinance 84 revisions

From: GREGORY MILLER <ggmphoto@charter.net>
Sent: Monday, February 6, 2023 4:21 PM
To: Public Comments <publiccomments@co.tillamook.or.us>; Lynn Tone <ltone@co.tillamook.or.us>; Sarah Absher <sabsher@co.tillamook.or.us>
Subject: EXTERNAL: Ordinance 84 revisions

[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,

There is a need to point out the obvious here. If those individuals who have invested in profit-making STRs in Neskowin were challenged in their home neighborhoods with the same invasive expansionism we are facing here, they would be indignant that their community was being defined by outside interests. And yet these same individuals are willfully blind to the impact their presence has on the residents of Neskowin and South Beach. A majority of STR owners stay at their own properties for less than 45 days of the year. Most STRs in my neighborhood are only ever occupied by vacationers.

It is the full time residents of Neskowin's responsibility and right, to work with the county to ensure that our community develops the way we envision the future. Not by the tail wagging the dog from outsiders and leaving the residents of our community to shoulder the burden left by investors; effectively forcing the residents to put up with and inadvertently support their efforts to make profits.

It also has to be mentioned that these new proposals mirror and are on par with ordinances that exist in California, Washington and Oregon. In addition, I believe that these proposals should not impact anyone with a current permit.

I am 100% behind the new revisions of Ordinance 84, with some adjustments. I believe it is fair to both sides.

Sincerely,

Gregory Miller
Neskowin, OR

Lynn Tone

From: Public Comments
Sent: Tuesday, February 7, 2023 1:56 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: New Ordinance 84 revisions

From: Candice & Gregory Miller <gandcm@gmail.com>
Sent: Monday, February 6, 2023 12:00 PM
To: Public Comments <publiccomments@co.tillamook.or.us>; Lynn Tone <ltone@co.tillamook.or.us>; Sarah Absher <sabsher@co.tillamook.or.us>
Subject: EXTERNAL: New Ordinance 84 revisions

[**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,

We are full-time Neskowin residents. We fully support the first draft of Ordinance 84 revisions. We want to thank and applaud Sarah Absher and her team for listening to the people who live here. It is so vital that the County respects their voting constituents and not outside forces that are here to maintain a business income.

We would like to suggest the following changes to this current draft:

- Page 6/C - specify the cap to be no more than 20%
- Page 6 - add a minimum rental cap of 30 days per year
- Page 8/B - language to add bi-annual inspections
- Page 9/4 - if the number of bedrooms doesn't sync with the application, the permit should be revoked or suspended
- Page 9.060/B - when a property is sold, the registration certificate is non-transferable; the new owner must be added to the queue and re-apply.
- Page 11.080/A - exclude plus two (2) additional persons; must be two (2) persons per bedroom ONLY
- Page 11.080/D - change maximum day occupancy to four (4) additional people.
- Page 12.080/G - change quiet hours from 10pm-7am to 10pm-8am
- Page 12.080/H - eliminate the loop hole to apply for an exemption. Properties should be in full compliance with County zoning requirements, no exceptions.
- Page 13/M - in rural neighborhoods, require TOTER bear proof trash receptacles; straps on cans are useless

Sincerely,

Candice & Gregory Miller
Neskowin, OR

Lynn Tone

From: Public Comments
Sent: Tuesday, February 7, 2023 1:57 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Proposed STR Changes

From: Peter-Tana Hatton <pthatton@gmail.com>
Sent: Tuesday, February 7, 2023 12:38 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Proposed STR Changes

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We are writing as we are concerned owners of a family home in Manzanita that we have owned since March 2016. Our family has always enjoyed going to the Oregon Coast and we wanted to be able to spend more time as a family together which prompted our decision to purchase our home. As we did not have the ability to purchase the home outright with cash, we obtained a mortgage on the home. Of course, that means paying each month the mortgage, the taxes, insurance, the utilities and the upkeep of the home to maintain it properly. We were able to obtain a STR permit from Tillamook County and observe all the rules that are required to maintain the home in an outstanding manner to look nice, not just for us, but also for our guests. Airbnb and VRBO both require that we maintain our property in a safe and legal manner. Having our home as a STR helps cover the mortgage and expense with owning a home on the Oregon Coast.

We maintain our STR Permit as required under the current Tillamook County Laws and Regulations. When our family visits Manzanita and the north Oregon Coast we spend a few days (sometimes a full week, if we can) at least 2-3 times per year. When we are there, we shop Manzanita Fresh Foods, The Little Apple, Fred Meyer in Tillamook, frequent restaurants like Wanda's, Manzanita Lighthouse, Riverside Fish & Chips in Nehalem, Pirates Cove and Garibaldi Portside Grill in Garibaldi, and shops in the area. We travel to Tillamook to visit the Tillamook Cheese Factory, Mohler Wine Tasting, the Antique Shops in Wheeler, when running, ride the Oregon Coast train out of Garibaldi. Our STR guests do the same! They also take guided fishing trips on the Nehalem River, go crabbing at Kelly's Marina, visit Rockaway Beach. Our family and our STR guests are here to visit and enjoy the Oregon Coast.

The Proposed Changes to the STR Code is unbearable. It is heartbreaking to think that we may be forced to sell our family home in Manzanita due to these discriminatory clauses in the Code. The Present Code has STR's covered. Does Tillamook County not depend and thrive on Tourism? Is it Tillamook's Intent to drive Tourism out of the County and have it be that the very grocery stores, the shops on Laneda Ave. in Manzanita, the antique shops in Wheeler, the train in Garibaldi, the Visitors Center at the Cheese Factory that rely on Tourists close due to lack of business. What about the workers that depend on Tourism to find employment – the Cleaners, the Maintenance folks, Roby's Furniture & Appliance (that gets 40% of it's business from STR and 2nd home owners), the Antique shops in Wheeler, the business owners of small shops up and down the Coast. How many kites or ice cream's are the 'locals' going to be able to purchase to support the local business enough to remain in business. To make STR Building Codes more Restrictive than other Residential Building Codes begs the question" "does Tillamook County not care about the Safety and Welfare of Long-Term Renters and homeowners?" To have STR Response times faster than local Emergency teams are able to Respond to situations? That Tillamook County does not address these same concerns across with other housing in the County is disturbing. When looking at Complaints and actual Incidents, less than 4% of Complaints/Incidents are actually related to a STR situation, and most are dealt with immediately, whereas those more abundant Complaints/Incidents with long-term housing and owners take much longer to address and resolve.

Since only 7% of the housing stock in Tillamook County is in STR (with 85% of those valued above the WFH limits), these efforts to Severely Limit STR's are insane. We urge Tillamook County to seriously revisit this thinking and retract these proposed changes now. If these Proposed changes are passed, we will be forced to sell our family's home and I can tell you that our family will refuse to step foot in Tillamook County ever again.

The Hatton Family

Lynn Tone

From: Public Comments
Sent: Tuesday, February 7, 2023 1:57 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Support of Draft STR Ordinance and request for Density Limit for All of Unincorporated Tillamook County

From: LAURIE KOVACK <lkovack@mac.com>
Sent: Tuesday, February 7, 2023 9:10 AM
To: Public Comments <publiccomments@co.tillamook.or.us>; Sarah Absher <sabsher@co.tillamook.or.us>; Erin Skaar <eskaar@co.tillamook.or.us>
Subject: EXTERNAL: Support of Draft STR Ordinance and request for Density Limit for All of Unincorporated 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: Sarah Absher, Commissioner Skaar, and County Counsel

RE: Support of Draft Short Term Rental Ordinance and Request for Density Limit in All Unincorporated Areas of Tillamook County

I am writing in support of the draft short term rental ordinance that was presented at the January Tillamook County Short Term Rental Advisory committee. I appreciate the thoughtful attempt to structure a document that includes the concepts discussed by the committee in a way that allows specific discussion of actual provisions.

When reviewing the draft I hope the committee acknowledges that they are discussing regulating a business use in residential neighborhoods. The draft ordinance clearly allows short term rental use to continue. I think the draft ordinance presents a framework that helps preserve the quality of life for residents who live in the 80% of residential properties that are not short term rentals, while allowing a level of short term rentals which will continue to support the Tillamook county businesses that have become dependent on short term rental visitors.

On page 7 of the draft ordinance Section .040 Section D I strongly advocate changing the area to include all unincorporated areas of Tillamook County. For many residents it is the density and clustering of short term rentals that unfairly impacts their quality of life, while other residents with no short term rentals close by have minimal impact. This density impact is most extreme in the areas within walking distance of the ocean and often in Unincorporated Communities and Properties within City Urban Growth Boundaries. These impacted areas do not have a density limit in the proposed ordinance and I believe a density limit is warranted and can function positively in conjunction with a percentage cap.

I appreciate the efforts of the county employees, and county attorney, to present a comprehensive document for the committee to review. I hope thoughtful discussion creates an even stronger document to present to the commissioners for consideration and adoption.

Laurie Kovack
Neskowin

02/06/2023

Tillamook County Short Term Rental Advisory Committee
re: Draft Short Term Rental Ordinance | Building Code Issues

Dear Committee,

I have many concerns about the draft Short Term Rental Ordinance prepared by Mr. Kearns, this particular letter pertains specifically to the building code implications. As a licensed Oregon Architect, I deal with the building code and interpretations on a regular basis. One of the stated purposes of the draft ordinance is to *“Protect the health, safety and welfare of short-term and long-term renters, property owners, and neighboring property owners throughout Tillamook County.”* The 2021 ORSC is our current building code for one and two family dwellings and serves as a guideline for health, safety and welfare.

The draft Short Term Rental Ordinance references the 2021 ORSC for safety requirements, however I have noticed some discrepancies between what the current building code requires - most notably in .030 Bedroom Definition. The draft ordinance cites the ORSC code sections 304.1 and 305.1 for room dimensions and ceiling heights, but includes requirements that are above and beyond the code or omits the exceptions.

Per the ORSC:

- 70 SF, with horizontal dimensions of at least 7' is required for all "habitable spaces" which includes sleeping areas / bedrooms. (Section R304.1, screen capture below)

- 7' is the minimum ceiling height for **flat ceilings**, but if the ceiling is sloped, then 5' is the minimum - up to 50% of the ceiling can be between 5-7' if the rest of the ceiling is 7' or higher. Any area that is less than 5' in a sloped ceiling cannot count towards the required 70SF or minimum 7' dimension. (Section R305.1, screen capture below)

- The ORSC **does not** require “4 full-height walls surrounding a bedroom sleeping area.” Section R312.1 does require 36” guard rails to be placed on the open side of spaces adjacent to an open area. Many coastal vacation homes have open designs with sleeping lofts allowing for views with guard rails protecting the open side, which is compliant with ORSC and the previous versions of the code that preceded it.

- The ORSC **does not** require a built-in closet in order to be considered a bedroom. While desirable for long-term housing, closets are not a safety issue - it is common for beach houses, cottages and cabins built for the purposes of vacation / seasonal housing to not include closets.

- The ORSC code **does not** require a minimum of 50 SF per person

- The ORSC code requires interconnected / hardwired smoke detectors in existing only in areas where alternations or repairs require removal of interior wall or ceiling finishes to expose the structure (Section R314.4, screen capture below)

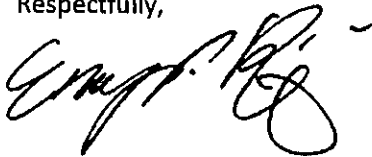
The draft ordinance states that the dwelling unit needs to meet "current requirements of the International Building Code." When an existing structure was lawfully constructed under the current building codes in use at the time of construction, it should not be forced into full current compliance if the use or occupancy is not changing. Only the areas of the dwelling being altered, additions, and change of use from non-habitable spaces like attics and basements to habitable space or new construction needs to be fully compliant with the current code per R101.2.1.

Full compliance of the current building code would also include ventilated ("ie rainscreen") facades, R49 roof insulation, R21 wall insulation and many other requirements. All of these are great to have - but just like requiring interconnected smoke detectors in an existing ceiling, it would be impractical and invasive to apply these requirements to an existing structure. Most homes in my neighborhood are framed with 2x4 walls and roofs which would never fit the amount of insulation the code requires today. ORSC would say that an *addition* would need to be fully compliant, but mercifully does not expect us to deconstruct and rebuild what is existing.

Food for thought...if an existing, lawful STRs does not have closets, has smoke detectors with batteries and is not fully compliant with the latest building code; and is deemed inappropriate for people on vacation, would it be appropriate to change the use to long-term housing? Would the impacts be less? Should the health, safety and welfare of short-term and long-term renters be handled differently?

In summary, I am in support of **future** STRs conforming to the current building code, as the occupancy / use would be changing. However an existing, lawful STR license should not be in jeopardy due to changes in the ordinance, especially if the dwelling has a long history of safe use as a vacation rental. Existing, lawfully licensed STRs should be grandfathered per the requirements at the time of licensure – provided the fire-life safety elements like egress windows, smoke detectors and approved bedrooms / sleeping areas met the requirements at the time approved for use as an STR.

Respectfully,

A handwritten signature in black ink, appearing to read "Emily Draper". The signature is fluid and cursive, with a long horizontal stroke at the end.

Emily Draper, Oceanside

SECTION R304
MINIMUM ROOM AREAS

R304.1 Minimum area.

Habitable rooms shall have a floor area of not less than 70 square feet (6.5 m²).

Exception: Kitchens.

R304.2 Minimum dimensions.

Habitable rooms shall be not less than 7 feet (2134 mm) in any horizontal dimension.

Exception: Kitchens.

R304.3 Height effect on room area.

Portions of a room with a sloping ceiling measuring less than 5 feet (1524 mm) or a furred ceiling measuring less than 7 feet (2134 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required habitable area for that room.

SECTION R305
CEILING HEIGHT

R305.1 Minimum height.

Habitable space, hallways and portions of *basements* containing these spaces shall have a ceiling height of not less than 7 feet (2134 mm). Bathrooms, toilet rooms and laundry rooms shall have a ceiling height of not less than 6 feet 8 inches (2032 mm).

Exceptions:

1. For rooms with sloped ceilings, the required floor area of the room shall have a ceiling height of not less than 5 feet (1524 mm) and not less than 50 percent of the required floor area shall have a ceiling height of not less than 7 feet (2134 mm).
- > 2. Not more than 75 percent of the floor area of a bathroom or toilet room is permitted to have a sloped ceiling less than 6 feet, 8 inches (2032 mm) in height, provided that an area of 21 inches by 24 inches (534 mm by 610 mm) in front of toilets and lavatories has a minimum of 6 feet, 4 inches (1931 mm) in height, measured from the finished floor. An area of 24 inches by 30 inches (610 mm by 762 mm) in front of and inside a tub or shower shall have a minimum of 6 feet, 4 inches (1931 mm) in height, measured from the standing surface of the fixture.
3. Beams, girders, ducts or other obstructions in *basements* containing *habitable space* shall be permitted to project to within 6 feet 4 inches (1931 mm) of the finished floor.
4. Beams and girders spaced not less than 4 feet (1219 mm) on center may project not more than 6 inches (152 mm) below the required ceiling height.
5. Conversion of existing nonhabitable space, such as a *basement* or *attic*, to *habitable space*, shall provide a ceiling height of not less than 6 feet 8 inches (2032 mm) for flat ceilings or for the portion of ceiling required in Exception 1 of this section.

R305.1.1 Basements.

Portions of *basements* that do not contain *habitable space* or hallways shall have a ceiling height of not less than 6 feet 8 inches (2032 mm).

Exception: At beams, girders, ducts or other obstructions, the ceiling height shall be not less than 6 feet 4 inches (1931 mm) from the finished floor.

SMOKE ALARMS

R314.1 General.

Smoke alarms shall comply with NFPA 72 and Section R314.

R314.1.1 Listings.

Smoke alarms shall be *listed* in accordance with UL 217. Combination smoke and carbon monoxide alarms shall be *listed* in accordance with UL 217 and UL 2034.

R314.2 Where required.

Smoke alarms shall be provided in accordance with this section.

R314.2.1 New construction.

Smoke alarms shall be provided in *dwelling units*.

R314.2.2 Alterations, repairs and additions.

Where *alterations, repairs* or *additions* requiring a permit occur, the individual *dwelling unit* shall be equipped with smoke alarms located as required for new *dwellings*.

Exceptions:

1. Work involving the exterior surfaces of *dwellings*, such as the replacement of roofing or siding, the *addition* or replacement of windows or doors, or the addition of a porch or deck.
2. Installation, alteration or repairs of plumbing or mechanical systems.

R314.4 Interconnection.

Where more than one smoke alarm is required to be installed within an individual dwelling unit in accordance with Section R314.3, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual *dwelling unit*. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm.

Exception: Hardwired interconnection of smoke alarms in existing areas shall not be required where *alterations* or *repairs* do not result in removal of interior wall or ceiling finishes exposing the structure.

Lynn Tone

From: John Hanby <jhanby@nehalem.tel.net>
Sent: Monday, January 30, 2023 11:07 AM
To: Lynn Tone
Subject: EXTERNAL: Tillamook County Short Term Rental Process

[**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 STR Advisory Committee, Commissioner Skaar and Director Absher:

My wife, Elaine, and I were part-time residents of NeahKahNie from 2002 to 2006 and full-time residents since then. During ownership of our property before building and then during the early years as residents, we had little awareness of the encroaching impact of STR's on livability in NKN. Part was undoubtedly due to the poor beach access of our particular location and thus low attraction for STR operations as compared to other NKN areas. More recently STR awareness and concerns have erupted. This eruption is evidence of the degradation in community livability which has resulted from essentially unrestrained STR development. This degradation will in all likelihood continue its progression in absence of meaningful and comprehensive regulation.

While awareness and action toward regulation of STR's in Tillamook County was late in getting started, the situation is now well recognized and is being addressed. I read the Tillamook County STR Ordinance Draft 1-9-2023. It is abundantly clear that considerable thought, effort and knowledge were brought forward in developing the Draft. The deliberations of the Advisory Committee and its leadership have been valuable. While I do not have a legal background and could not have begun in putting together the Draft Ordinance myself, I applaud the result. It addresses key factors that impact livability such as property conformance (e.g., number of bedrooms, occupancy limits, compliance of property with regulations), safety (e.g., for both renters and residents), number of STR Registration Certificates in a subarea and density, parking, noise, garbage, etc. Capping the total number of STR's in a community is particularly important. The Draft also properly references the serious need for normal rental housing. I see the Draft as highly credible and as an effective "strawman" document for moving forward.

As a NKN resident my sentiments are oriented in support of livability. This, however, does not mean adversity toward STR's. STR's provide important means for Oregonians and others to enjoy the beauty and attractions of Tillamook County's coastal regions and communities. STR's are important to the coastal economies and to opportunities for coastal workers and businesses. The pendulum, however, has swung too far in permitting STR's at the expense of livability. It's now time to swing the pendulum in the other direction - to correct previous missteps, and to ultimately sustain livability while also allowing vibrant STR businesses and employment. The pathway will not be easy but in the long-term is in the best interest of people (both residents and non-residents) and Tillamook County.

Respectfully submitted,
John Hanby, NKN full-time resident

Lynn Tone

From: Public Comments
Sent: Monday, February 6, 2023 9:58 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR

From: Leann Bennett <leannrbennett@gmail.com>
Sent: Saturday, February 4, 2023 12:33 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STR

[**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 Committee,

Thank you for your thoughtful consideration and time and energy on this topic.

I have owned a home on Birch Street in Oceanside for the past 17 years.

We frequent the home regularly but it is not our primary residence at this time. It has never been a rental.

Currently *every*, neighbor on Birch ST but one is a STR and has been purchased within the past 3 years as such (5).

The biggest issues we as owners have are;

1. Light pollution - After repeated knocks on doors, letters to the STR owners and repeated conversations no changes to exterior lighting have been done.
2. Garbage debris- Can's for pick up are not secured from wind, renters leave debris in our yard and on the street. This has been an issue OVER 10 YEARS.
3. Parking issues- Boats on drainage area, excess cars in street, no room for turn around or backing up out of our car from our driveway.
4. Utilizing our driveway and parking area- damaging our berm and driveway.
5. Noise- Parties
6. Road maintenance- Not once have any STR owners contributed to the maintenance and up keep of our unincorporated street which has extensive pot holes and steep transition from County maintained Alder St.

It is sad to not have neighbors that are invested in our area as people and as property owners other than for income. At one time we all looked after each other and knew each others names.

STR's do not make community and do not provide affordable housing.

As a Realtor I've seen prices in Oceanside more than double due to STR investment demand.

How are the people who want to make this their home suppose to compete with this?

I also see bank fraud from the borrowers on these properties claiming them as 2nd homes and getting attractive interest rates rather than investment properties.

I propose a limit on STR of no more than 10%.

I propose teeth to the lighting requirements with fines, & enforcement.

I propose a portion of the permit costs go toward maintaining the roads these homes are located on - even if they are *not* county maintained roads.

Thank you for your time,

Leann Bennett
5475 Birch St
Oceanside, OR

Lynn Tone

From: Joanie Blum <joanieis@icloud.com>
Sent: Saturday, February 4, 2023 9:33 PM
To: Lynn Tone
Subject: EXTERNAL: Saving our little village from the rental invasion

Importance: High

[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 am encouraged by this initial report by the county concerning the rental disaster here in my hometown of Neskowin, but I feel more needs to be done to restore the safe and tranquil life of this little hamlet. This is a village that for decades had been populated with little vacation cottages - like the 94 year-old one I live in full-time. Wealthy people who could afford a vacation home enjoyed being here for many summers. They closed them up after season's end, mostly lending them to no-one other than close friends and family. NOT renting them out to seasonal tourists - even to this day, many of these homeowners close up their homes, cabins, for the majority of the year and return to Neskowin in the spring to open them, turn on the electricity and the water, and get them ready for their summertime here at the ocean.

Suddenly over the past decade, I have seen an increase in houses and cabins being rented short-term to tourists, and I have also seen the rise in large-scale city and suburban homes being wedged into the tiny lots that make up the majority of the village property. Two and three story homes with multiple bedrooms and small parking facilities popped up around the core village as well as the lots on South Beach. Gone were the regulations set up by the county when I first moved here that stated that homes must not cover more than 70% of these little parcels, people were expanding them past that limit, and often-times building decks and patios to 'separate' themselves from their neighbours' property lines. No one at the county seemed to inspect these new buildings and regulate/restrict them in any way.

Today this small hamlet which, up until last year housed the oldest post office on the coast, is still populated with a few hundred residents, but now peppered with houses used for short-term visitors who parade in and out of our streets, speeding, piling cars into driveways and surrounding setbacks, filling garbage bins to overflow capacity, as these sit outside after the renters' weekend departures to collect insects and other critters until Thursday's garbage day here in Neskowin. Just in my one small street in the core village, where one rental home was here pleasantly (for the most part) for over 25 years, two more have cropped up just in the past 8 months - large, multi-story homes that are - once again - wedged up to the very limit of their property lines, with no adherence to the 70/30 property ratio originally directed for these tiny lots.

Now that we are receiving a hopeful word that one of the ways to restrict these vacation rentals is to keep them 250 feet away from residents and from one another - this will mean that these two new rental properties will have to fill-up with full-time residents, either the owners themselves or with some of the young men and women who work out here and are desperate for year-round lease housing. Good for the stability of the neighbourhood to have more residents.

The problem with home owners who rent their 2nd homes is that they have no other investment in Neskowin other than their rental revenue and the tasks of maintaining these homes. They do not participate in the town in any way - shape-or-form, the activities that form the stable backbone of any neighbourhood. They are not volunteers with the fire department, they are not volunteers with the south county library committee, they do not help with spring or fall beach cleanup, they are not volunteers at Neskowin Valley School, or at the summer farmers' market - in short, they have no

investment in this town whatsoever, in the cultivation of the elements of a town that make it worthwhile and help it flourish. I realize that the houses they own are expensive and that perhaps the owners cannot afford to keep them without renting them from time to time - if this is the case, why not lease these homes to the many men and women who work here in south county? This would be a great neighbourhood endeavour. So many men and women - hospitality professionals, landscape artists, teachers, construction workers, electricians, medical professionals, and more - are anxious to lease homes here on a year-round basis, and surely special arrangements can be made with these renters for owners to have some summertime days or weeks in these places. This happens everywhere where there are special vacation spots, from Cape Cod to Mackinac Island to Puget Sound and elsewhere.

I implore these 2nd homeowners to think long and hard about the damage they have done to this neighbourhood - wondering how they themselves might react to short-term renters moving in and out of *their own neighbourhoods*, driving in and out of their block while their children play on the sidewalk or in the street, making noise, overflowing garbage cans, adding parked cars. I know that in one town where Neskowin's 2nd homeowners live, Lake Oswego, this will never happen because there are already restrictions in place there regarding rentals that we here hope to enact here in Neskowin. Please respect our town as you respect your own.

Kind regards -
Joanie Blum
Neskowin resident since 1980

*Ira M. Levin Ph.D.
49985 Seasand Road
Neskowin, OR 97149*

February 5, 2023

To Tillamook County Commissioners & STR Advisory Committee:

I am writing to you to convey my support for the recently drafted revised STR Ordinance prepared by Sarah Absher and Dan Kearns. This letter is intended to be in lieu of public comments I would make at the upcoming STR Advisory Committee's meeting scheduled for February 14 which I am unable to attend.

First let me introduce myself. My family and I have owned our residence in Neskowin in the South Beach area for over twenty years. We were attracted to this community because of its stunning, pristine, and serene beach, wetlands, and nature trails nearby on Cascade Head and Siuslaw National Forest. We avoided purchasing property in the more crowded and overly developed areas like Pacific City, Cannon Beach and Lincoln City. Over the years we have invested substantial sums of money to maintain and improve our property. As a result, we are very concerned about maintaining the wonderful quality of life this community offers.

While we generally support the overall development trends that have occurred here over the past two decades, we trusted such development would be planful, controlled and paced to protect the quality of life and fragile ecosystem we have chosen to reside within. We have been dismayed and disheartened by the seemingly uncontrolled expansion of Short -Term Rental (STRs) in Neskowin. Our home is now surrounded by former resident homes that have been purchased and turned into STRs. We have witnessed first-hand how such STRs can become a public nuisance without reasonable regulations and enforcement. Short term renters show little concern for creating disturbances at all hours, blocking roads with their parked vehicles, nor keeping beach areas clean. The increased traffic of large numbers of short term renters has also contributed to increased road damage.

The Tillamook County's Ordinances and related policies regarding Short Term Rentals (STRs) have become more important than ever and the current revisions being worked on are critically needed. I understand the taxes and fees the county collects from these businesses help fund some community projects in Neskowin. At the same time, so do our property taxes. That is why some level of collaboration and compromise of the interests of STR owners/managers with residents is the direction that should be sought. I do not want to prevent property owners who decide to turn their properties into short term rental businesses, but we believe such businesses should not be allowed to propagate and operate without reasonable regulations updated to reflect the current context. Such regulations should include both how these

Ira M. Levin PH.D.
49985 Seasand Road
Neskowin, OR 97149

properties are operated and most importantly strong enforcement of any established STR regulations.

In closing I want to convey my strong support for the direction of the current work amending the STR ordinance demonstrated in the most recent draft by Sarah Absher and Dan Kearns, even though I do not agree with all aspects of it. There are still some ambiguities where increased clarification is needed or where some key issues are still not fully addressed such as continued STR expansion and regulation enforcement. Any regulations/rules without clear, substantive enforcement processes and penalties associated with violations become meaningless.

I appreciate your consideration of my point of view in your deliberations.

Sincerely

Ira M. Levin

Lynn Tone

From: Sarah Absher
Sent: Tuesday, January 24, 2023 10:36 AM
To: Lynn Tone
Subject: STR comment

From: Maureen Bradley <bradley04@gmail.com>
Sent: Sunday, January 8, 2023 10:31 AM
To: Sarah Absher <sabsher@co.tillamook.or.us>
Subject: EXTERNAL: STR 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.]

Dear Sarah

Thank you for the work you are doing to collect feedback regarding short term rentals in Tillamook County. I am the owner of a home in Pacific City Heights who is completing a major remodel of my home. My desire has been to support the local economy and to use all local contractors and subs. I also wish to continue to offer it as a short term rental on a limited basis because the options are very slim in Tillamook county and, as someone who loves to visit the coast, I know this would be very frustrating if STR were no longer available.

I live in an area of Portland that allows short term rentals so I understand and completely agree with the need to be respectful to my neighbors. My goal is to keep my home looking beautiful and to limit the types of renters that come into my home. Because I have put a lot of high-end features into my home, I will never allow it to become a "party" house. There are several other STRs on my street and, knowing these neighbors, they are also very respectful of this practice and would not do anything to upset the neighborhood.

My belief is that STRs help the local economy in many ways as it encourages owners to keep their homes looking nice and to hire local workers. The more visitors we have at the coast, the more it helps our local businesses and restaurants, etc. I believe it would be a disservice to the local economy to restrict STRs.

Thank you,
Maureen Bradley
503-307-8091
7345 E. Summit
Pacific City

Tillamook Country Vs. Internal Revenue Service

The purpose of this correspondence is to publicly voice concern regarding recent developments surrounding requirements for short term rental properties in Tillamook County. Specifically, my property located in Neskowin, Oregon which was purchased in September of 2022 as a "Like-Kind-Exchange" under Internal Revenue Code IRC Section 1031, commonly known as a "1031 Exchange".

IRC Section 1031 allows for the acquisition of like-kind replacement property designated as a "Vacation Home" subject to the following IRS requirements.

1. The holding period for the vacation home is at least 24 months immediately before the exchange.
2. For each of the two-12-month periods, the vacation home is rented to another person at a fair rental for 14 days or more; and
3. The homeowner limits his use of the vacation home to not more than 14 days or 10% of the number of days during the 12-month period that the vacation home is rented at a fair rental value.

The actions of Order 22-033 prohibit compliance with IRS rules stated above and has caused unforeseen damages including loss of income, potential IRS noncompliance, legal costs incurred and so on...

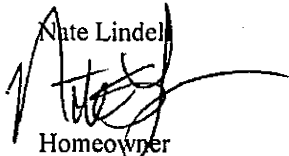
In short, my investment property is required to be rented to another person for at least 14 days per year. And the homeowner (ME) is limited to 14 days/year of use or, 10% of the number of days rented. Order 22-033 has created a situation where my property is 100% unusable. Optionally, long-term leasing high end properties is not economically feasible. Reasonable rent for this property would be approximately \$78,000 per year, unachievable.

10% of zero is still zero.

County memorandum dated January 9, 2023 (Draft Ordinance 84 revisions) further complicates this issue for many, many reasons. I won't go into the many concerns of other homeowners, real estate agencies, tourists and businesses have expressed; I only need to look to the 250' between STR's for a reason to object. My investment property is directly located next to an existing STR.

Words Matter: County memorandum dated January 9, 2023 (Draft Ordinance 84 revisions) states "The proposed language reflected in this draft Ordinance largely reflects the goals and priorities of the committee." Perhaps, this should have said "The proposed language reflected in this draft Ordinance largely reflects the goals and priorities of the community" which I do not believe to be true.

I request a formal response with insight from the Tillamook County Board of Commissioners & STR Advisory Committee on how to remedy the glaring conflicts between the actions of Tillamook County Order 22-033, proposed Ordinance 84 revisions and the Internal Revenue Service.

Nate Lindel

 Homeowner
 Neskowin, Oregon

Lynn Tone

From: Public Comments
Sent: Monday, January 23, 2023 1:40 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR Comments

From: Craig Comroe <craigcomroe@gmail.com>
Sent: Friday, January 20, 2023 6:05 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STR Comments

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Hello,

My name is Craig Comroe and I am a homeowner in Pacific City. I built our home in 2016 as a second home and vacation rental to help defer the costs. A bit over a year ago we decided to move here full time. To the best of my knowledge we are the only full time residents of our neighborhood. My mother in law built one of the first five homes in the development in 2004. We live on the corner of Dory Pointe Loop and Cape Kiwanda Drive. Dory Pointe has over 50 homes and is in the heart of town. Our home is probably the most visible property in the area (6105 Dory Pointe Loop, with the large wood sculpture in front). We love the activity and the visitors. So much so, we have a large patio and fire pit in our front yard to watch people enjoying their visits and wave a friendly hello. I mention this as it is very important coming from a home owner and a full time resident in the busiest part of the city. Since we moved here full time in November 2021, we have not had a single instance of noise, trash or people being inconsiderate. We loved all of summer and the happiness coming from all the PC visitors. Our dogs loved them too! I have read through many of the comments left by others both for and against these new proposed changes.

To be completely honest, I am a very put off by many of the residents complaints. These areas and the beach communities surrounding PC have been tourist destinations for well over 100 years. More than likely, most of the residents complaining came here first as tourists. After falling in love with the area and its beauty, they came back many, many times before moving here. Now they feel entitled keep the area as their own. These were tourist towns for all to enjoy for decades prior to them moving here. I find it appalling that people can move here and then try to limit the amount of visitors. Those people fortunate enough to have lived here for decades, seem to forget the half a century or more of people enjoying and vacationing here prior to them choosing to make this their home. Had it not been for the tourism and the income created, these areas would not exist, nor would the services from the county. Not only is it selfish, it is demeaning to tourists. The percentage of lodging taxes created from PC makes a huge impact on the county roads and non profits. The large amount of tourist dollars spent in our area attract and maintain businesses and/ or support services for residents and visitors alike. It is not easy for residents to find employment or to be able to live in the area due to costs and limited places to work. Without these additional revenue streams, we would have fewer jobs, businesses and abilities for people to live in the area close to where they work. This will end up decreasing home values, causing businesses to close (or not open) and going backwards instead of improving the quality of life. Our costs will increase, services will be diminished due to lack of funding and the property values will decline, a lot.

After the horrible crash in 2008, new vacation/ second homes virtually disappeared. This was one of the last parts of the economy to recover. When we built, there had not been a new build in our area for close to 8 years. This will happen again should people not be able to rent their home to vacationing families. To the best of my knowledge it is well over \$45,000 in permits and fees for each new build. By losing this revenue stream, where will the county reclaim the funds for improvements in every part of our communities? The STR license fees going through the roof (per person \$75 fees per guest) will still not defray the loss of taxes and fees paid to Tillamook County. These taxes and fees allow the county to make much need and amazing improvements in the infrastructure (water!), outdoor activity options, social services as well as safety and well being of our residents and visitors. Without this income how exactly will we provide for residents? How will the city handle loss of income? Cut existing services? The county seems to have spent a large sum of money on parking kiosks and rules, yet, never anyone to enforce these rules? In a year I have yet to see a single parking enforcement official citing vehicles. This too would reduce complaints by residents. I am even more offended that Tillamook is being so stringent on non issued, but applied for permits. These homeowners built with the understanding that they could and would rent their homes. This could have a devastating effect and even cause foreclosure and major financial hardships. Will the county spend the huge amounts of legal fees to fight all the individual lawsuits that will surely follow? The county is literally dictating how people can invest their hard earned dollars and then deeming appropriate what they can earn, how and when. I see this as a huge legal liability for the county. I am proud to live in this gem of a city and even more proud to share it with everyone. I want nothing more than to watch Pacific City (and surrounding areas) grow, thrive and bring joy to everyone that visits and lives in surrounding communities. For those that wish to keep people from the same, shame on them.

Thank you for your time and consideration,

Craig Comroe

(503) 490-4546

Relevant State Law and State Building Code Pertaining to the
Tillamook County Draft Short-Term Rental Ordinance
February 3, 2023

1. BACKGROUND. On January 9, 2023 Sarah Absher, Building Official for Tillamook County, presented a draft "Short-Term Rental Ordinance" to the Tillamook County Short-Term Rental Advisory Committee for their review before submission to the Tillamook Board of County Commissioners (BOCC) for their approval. That draft was written by Attorney Dan Kearns and commissioned by the BOCC.

2. OVERVIEW OF STATE LAW REGARDING BUILDING CODES AND ENFORCEMENT

The Oregon State Building Code governing construction of all residential one and two family structures in the State is the Oregon Residential Specialty Code (ORSC). The ORSC and other statewide specialty building codes are governed by the State Building Codes Division under the authority granted to the Oregon Department of Consumer and Business Services by the Oregon State Legislature to "promulgate a statewide building code" for the purpose of governance (ORS 455.020). For a full list of the various codes adopted by the Building Codes Division to govern other aspects of construction and their scope see <https://www.oregon.gov/bcd/codes-stand/pages/index.aspx>

The Scope of the ORSC as stated in R101.2 is "the construction, reconstruction, alteration, repair and installation of materials and equipment in or part of buildings and structures covered under the state building code". The ORSC and ORS **DO NOT** require existing residences, issued a certificate of occupancy based on the code current at the time, to conform to the current ORSC. They only require compliance with the current ORSC for those elements being constructed, reconstructed, altered or repaired.

ORS 455.040 says "(1) State building code preempts local ordinances and rules.

The state building code shall be applicable and uniform throughout this state and in all municipalities, and no municipality shall enact or enforce **any ordinance, rule or regulation relating to the same matters encompassed by the state building code but which provides different requirements unless authorized by the Director of the Department of Consumer and Business Services.**"

This precludes governmental subdivisions from requiring existing residences to comply with current code unless undergoing "construction, reconstruction, alteration, repair". *It is beyond the scope of this document to determine the historical timeline of code content and adoption by the State of Oregon or by Tillamook County, or to ascertain what authority the County might have to require existing residences to conform to the code in place at the time of their construction or alteration.

The ORSC, 101.2 Scope states "Consistent with discretionary decision-making powers granted to building officials, a building official may take any action including but not limited to waiving a requirement, modifying a requirement and/or accepting an alternate method to the requirements of the state building code. When waiving or accepting a modification, a building official shall not allow a provision that would create an unsafe or dangerous condition regarding fire and life safety, **and may not enforce requirements that are in addition to the state building code except where additional code requirements are specified by the terms of an alternate method approval.**"

3. PROVISIONS IN THE DRAFT SHORT-TERM RESIDENTIAL ORDINANCE (STRO) WHICH SPECIFICALLY VIOLATE THE OREGON REVISED STATUTES (ORS), THE OREGON RESIDENTIAL SPECIALTY CODE (ORSC) AND/OR OREGON ADMINISTRATIVE RULES

It also exceeds Oregon Administrative Rules (OAR) 837 Division 47 which defines the standards for existing residential dwellings used as a rental as set by the State Fire Marshall under the authority of ORS 476.725 which states "(2) The State Fire Marshal shall adopt rules establishing standards for the placement and location of carbon monoxide alarms in one and two family dwellings and multifamily housing that were not subject to state building code requirements for carbon monoxide alarm placement or location at the time of construction. (4) Notwithstanding ORS 476.030 (Powers and duties of marshal and deputies generally), State Fire Marshal rules adopted under this section shall apply for all governmental subdivisions in the state. A governmental subdivision, as defined in ORS 476.005 (Definitions) may not enact or enforce any local ordinance, rule or regulation regarding the design, inspection, testing, maintenance, placement or location of carbon monoxide alarms.

The State Fire Marshall has clarified OAR 837 Division 47 as follows: "Oregon laws require all homes being sold or rented to have working CO alarms, if they meet any of the following:

- Homes that contain a CO source [generally any kind of combustible fuel burning appliance or an attached garage]*
- 2011 or newer homes, regardless of the presence of a CO source.*
- Existing home undergoes reconstruction, alteration, or repair in which a building permit is required"*

.080.I No unpermitted improvements or bedrooms. All electrical, structural, plumbing, venting, mechanical and other improvements made to a registered short-term rental shall be fully permitted and all work completed by a licensed and duly qualified contractor. 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.

OAR 695-918 encompasses the Administrative Rules of the State Building Codes Division, which governs all construction in the State and supercedes local ordinance (see section 2 above). It does not restrict any owner from performing the work listed on their own properties, even those for sale or rent, except certain electrical work as outlined in ORS 479.540. Oregon ORS 479.10 to 479.545, is called the "Electrical Safety Law". ORS 479.525 states "the Electrical Safety Law shall be applicable and uniform throughout this state and in all municipalities, and no municipality shall enact or enforce any ordinance, rule or regulations relating to the same matters encompassed by the Electrical Safe Law. ORS 479.540 can be summarized as stating that electrical work on a property that is for rent, lease, sale or exchange and is new or substantially alters the existing electrical installation can only be performed by a licensed electrician and not by the homeowner. Whereas "work on, alterations to or replacement of parts of electrical installations as necessary for maintenance of the existing electrical installations on that property" may be performed by the owner as defined in the Electrical Safety Law and in OAR 695-918-0040.

.080.K.4. Ground Fault Circuit Interrupter (GFCI) protected receptacles shall be provided at outdoor locations and at kitchen and bathroom sinks.

Under code existing at the time of construction GFCI protected outlets in dwellings were not required in outdoor locations until 1971, in Kitchens until 1987 and in bathrooms until 1975. There is no specific provision in State Law or Code allowing local jurisdictions to require updating receptacles to GFCI in these locations in existing one and two family construction except as part of construction, reconstruction, repair or alteration.

to comply with current code except in the case of "construction, reconstruction, repair or alteration".

4. OTHER PROVISIONS IN THE DRAFT ORDINANCE WHICH MAY VIOLATE STATE LAW. *This document does not seek to investigate ways in which the ordinance provisions regarding septic systems and egress may violate state laws as they pertain to the State Building Code.*

5. PROVISIONS IN THE DRAFT SHORT-TERM RESIDENTIAL ORDINANCE (STRO) WHICH SPECIFICALLY VIOLATE LOCAL LAND USE LAW

.080.N Mandatory Postings

The Short-Term Rental Registration Certificate 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 and at the property's boundary at the front of the dwelling unit where it is visible and readable by anyone in the road right-of-way. Additionally, the ownershall post a placard inside the short-term rental dwelling unit at the front door and outside the unit at the property line where it can easily be read by people in the road right-Qf-way that contains the following information: 1. The registration number that confirms the certificate is issued by Tillamook County, with the date of expiration. 2. The name of the property owner and the contact person and a telephone number where the contact person may be contacted in case of any problems at, or complaints about, the short-term rental; 3. The number of approved maximum parking spaces and their location(s); 4. The number of bedrooms and maximum occupancy permitted for the short-term rental; 5. Any required information .and conditions specific to the Short-Term Rental Registration Certificate; 6. Day of week of trash pickup; 7. The property address.

TCounty Land Use Ordinance 4.020(2) says that in unincorporated Tillamook County no SIGN shall be placed "within 10 feet of the front property line in a required front yard". It also says that in residential areas only one permanent sign is allowed that is no larger than 2sf.

There is no possibility of including everything required on the sign to be incorporated legibly in a 2 sf sign. Posting a sign right at the front property line is not allowed in the Land Use Ordinance because it potentially creates dangerous line of sight issues.

***In general, State Building Code for one and two family residences followed the Uniform Building Code until 1980, the Council of American Building Officials (CABO) One and Two Family Dwelling Code until 2000, and the International Residential Code from 2000 until the present.**

Drafted by

Lynn Tone

From: Public Comments
Sent: Wednesday, February 8, 2023 3:37 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR proposed ordinance

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

From: kmgannon@gmail.com <kmgannon@gmail.com>
Sent: Wednesday, February 8, 2023 3:03 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STR proposed 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.]

For the record, I agree with the STR system currently in place. I do not agree with the proposed revisions. I propose stronger enforcement of the rules already in place for STRs. I also propose enforcement of rules already in place with respect to the whole county population, including day visitors from outside Tillamook County. I am extremely concerned about the potential reduction in TLT revenue to Tillamook County and the wide scale loss of jobs that the proposed ordinance would lead to if it were passed. I don't feel that the proposed ordinance was embarked upon with the well being of the county in mind. As a tax payer feel that our money has been misused, and there is a potential for further funds to be spent on both sides in litigation if Tillamook County insists on proceeding.

Kelly Gannon

Lynn Tone

From: Public Comments
Sent: Wednesday, February 8, 2023 1:45 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Taxes Raised or Services Reduced?

From: Dave <dave@monvisoinvestments.com>
Sent: Wednesday, February 8, 2023 8:51 AM
To: Public Comments <publiccomments@co.tillamook.or.us>; Sarah Absher <sabsher@co.tillamook.or.us>; Erin Skaar <eskaar@co.tillamook.or.us>; Lynn Tone <ltone@co.tillamook.or.us>
Cc: Neskowin Citizen Advisory Committee <info@neskowincac.org>
Subject: EXTERNAL: Taxes Raised or Services Reduced?

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Tillamook County Commissioners and STR Committee,

WE NEED DATA AND BUDGETS. I want to strongly encourage a pause in the process of amending STR regulations so you can gather important information on the economics of STRs, Tillamook County, and the impact some of the concepts being discussed will have on the economy of Tillamook County. You need to conduct a study, yes it will be an expensive study and take some time. But you need specific details and budget plans, not generalized statements or hopes.

Tourism is one of the key economic drivers for Tillamook County. However, as you know, unlike many other regions, there are not lots of big hotels or resorts in Tillamook County. A large percentage of our tourists stay in STRs, condos, privately owned units. Most counties through the U.S. and even Oregon would be thrilled to have the strong tourism base Tillamook has. It is the goose that lays the golden egg. It creates an incredible tax base with very little impact. Tourists generally just come, spend money, and leave.

The changes regarding STRs are going to have a significant impact on tourism, immediately upon enactment of the changes or in the future. At some point, the very goal of the proposed changes is to reduce visitor days at STRs, the largest market for visitors. As part of your fiduciary responsibility, you need to know what that impact means. Just to be clear, there are easy changes you can make to STRs that will reduce any negative impacts they cause. But that discussion ended long ago. The changes being discussed are not about enforcement of existing regulations or slightly strengthening them, the discussion is about changes that are designed to make tourist areas sleepy little villages again. The changes are trying to take back 100 years of history of tourism growth in Tillamook County or at least make sure the next 100 years have little or no growth.

It is a given that tax revenue will be reduced with the STR limitations. You cannot limit property rights and expect that to not impact property values, business values, income from residents who depend on tourism, etc.... If my home is worth \$500,000 today, once you enact strict STR limitations, my home will be worth less, even if I don't rent as an STR. Today I have a "bundle of rights" that is 10X big and after your new ordinance as

being discussed, my rights may be 8X big. You can argue, but my home will be worth less money. Future buyers who may have wanted to do an STR will possibly not be able to do that. For existing residents who are not doing STRs, you are taking away an option for them in the future. Maybe grandma or mom gets sick and needs to move in with her kids for a while. The families ability to rent mom's home out on a "short term" basis may not exist. So, the home has fewer options and is worth less money.

Businesses will be impacted. Any limitations on rental days will push all the rentals into the summer when rates are higher. During other months, there will be little or no rental inventory for tourists. That hurts every business whether it is a general store, restaurant, or even an appliance repair or sales company. Same with strict limitations on number of people staying in STRs and even the proposed bureaucratic hurdles will reduce visitors. Our friend who cleans our home, Teri, will not be able to pay her bills anymore if her customers have to limit their rentals. What is your plan for Teri?

Obviously the STR tax money generated will be reduced or at least its growth reduced or eliminated. How much? You should know the answer. What programs will that impact? Who will it impact? With more restrictions, more enforcement will be necessary. It is just a rule of governance—the more you restrict people, the more you have to monitor them. So, what is the plan to increase enforcement, while at the same time losing revenue? How are you going to monitor the change in beneficiaries for a family trust? Partners in a partnership? Members in a limited liability company? That is sophisticated stuff but you cannot have restriction on transfer if you cannot monitor and enforce those restrictions. Have a plan. Have a budget. Be prepared to hire new employees. You need to know **details—what additional expenses are we incurring and what reductions in income are we creating.**

Legal fees for challenges to the ordinance. It is obvious that any new strong restrictions will be challenged in court. Have you budgeted for outside legal counsel, not the goofy one sided guy you have now, but a serious law firm to represent you in multiple courts. How about liability insurance for the County? If you take these actions without the benefit of real data, real information on tax revenue, economics, etc..., are you confident you will be covered by county liability insurance? I don't say that as a threat, but the County I used to work in had their insurance carrier deny coverage for this exact sort of thing: the County Commission took actions without the support or reasonable data and information. Coverage for the commissioners involved was actually withdrawn on this specific issue by the insurance carrier.

My point is to just ask you to Please, Please, pause and study the impacts. Let your residents know before you vote what impacts the new rules will create. A reduction in any taxes, will require either a tax increase or a reduction in services. Which are you proposing? Both? How much will the impacts be? What services will be reduced or what taxes will be raised? Are there plans to compensate for the reduction of tourism in the economy? Who gets hurt? How much? What potential impact will these new regulations have on home values, not just STR homes, but all homes since the proposed ordinances impacts the rights of every homeowner. As I said above, when you reduce options for a property, that generally comes with a reduction in value. Personally, I think every home in unincorporated Tillamook County should be reappraised if the proposed draft ordinances are passed. I will certainly appeal my homes valuation and likely join with others to hire an appraiser to support our position. You may be fine with that, but again, have a plan, have a budget for that, understand valuations may go down at the same time expenses go up.

You just need to make an informed decision, not based on a few grumpy retired residents who moved to tourist communities and now don't like the tourists coming to their tourist communities. You need data. How many jobs will be lost? Tax impacts? A reduction in services or raising tax rates? A clear statement of purpose: "We the elected leaders in Tillamook County believe reducing tourism's benefits our residents

because....” There should be an end to that statement. You owe it to your property owners and your residents.

David Allen, Neskowin

February 7, 2023

Dear Tillamook County Planners:

We believe that the planning document prepared by the county planners does an excellent job of preparing the unincorporated area of Neskowin to meet the challenge of ever-expanding requests to create new Short-Term Rental (STR) properties, and with this letter lend our support to it.

As full-time residents of Neskowin, we sympathize with people's desire to buy a piece of real estate here even if it means renting it out for 20 years to pay for it. The unsurpassed beauty of this off-the-beaten track coastal oasis is obvious to anyone who happens upon it. First and foremost, Neskowin is a lovely place to visit because it is a lovely place to live.

We submit, however, that this is not happenstance. Full-time residents provide the foundation on which the community is built. We are the stable presence that provides financial consistency during off-tourist season as well as its peak. We provide workers to keep businesses open and staffed. We volunteer to support those in need, staff volunteer fire departments and assist local schools and events. We keep beaches clean, protect the wildlife, patrol neighborhoods, and pick up trash after bears go on feeding sprees. We form connections with each other, local merchants, and service providers that aid all of us when nature wreaks havoc through floods or fire. We oversee emergency preparedness with tsunami signage and survival site preparation in case the coast is ever hit with a major earthquake or water disaster.

We are the bedrock of the community. Our year-round attention, support, and care all contribute to why Neskowin is a desirable location, and the reason quality of life is the main commodity worthy of protection as we proceed.

We've all heard the horror stories of residents' homes becoming surrounded by STRs, where daily life is an ongoing nightmare and unavailable landlords or management services who remain unresponsive. What these accounts don't depict is the loss of enduring quality of life for the full-time homeowners, and their dedication to their community. The wear and tear of unhindered development is destructive and threatens the cohesiveness and quality of life for full-time residents, those who keep the community whole and vibrant.

There will always be those who refuse to accept limitations on their ability to do what they want, and who see any limits or regulations as unfair barriers to make money, pay off a property, or grow a

business. I suspect these constituents will bombard the planning commission with all manner of legal, and commercial reasons for more liberal, open STR growth.

We urge you to stand strong. Your proposal is fair and protects the very commodity others seek to exploit. Please keep STR growth to a manageable, and livable level so that Neskowin can survive and thrive as the vital, caring, and cohesive community that it is now, while there is still time.

We applaud the wisdom of the planning committee in the proposed development draft. Thank you.

Sincerely,

Kathleen and Wayne Ruby
49850 S. Beach Road
Neskowin, OR
208-310-6196

Erin Skaar, Commissioner
Mary Faith Bell, Commissioner
David Yamamoto, Commissioner
Sarah Absher, Director, Department of Community Development
Short-Term Rental Advisory Committee

February 6, 2023

Today, we are all saddened by reports from Turkey and the 7.5-earthquake experienced there. Over 11,600 people have been estimated to have died during this terrible natural disaster.

I'm concerned about what this might signal for the Pacific Northwest – Tillamook County in particular – WHEN the Cascadia 'full-rip' earthquake occurs. This event may be as large as a 9.0-quake ... which is vastly more powerful than the Turkey earthquake. And, the earthquake will be followed by an even more devastating tsunami.

And, it is WHEN, not IF. We know it's just a matter of time. Hopefully, not in our lifetimes.

But like other low probability, high consequence events, we take safety measures: we buy fire insurance for our homes, we wear seatbelts in our cars, we even wear seatbelts in commercial aircraft even though no US airline has crashed in decades.

Actually, many thoughtful experts have studied the Tillamook County exposure to the Cascadia earthquake situation.

Cascadia Tsunami Casualty Estimates

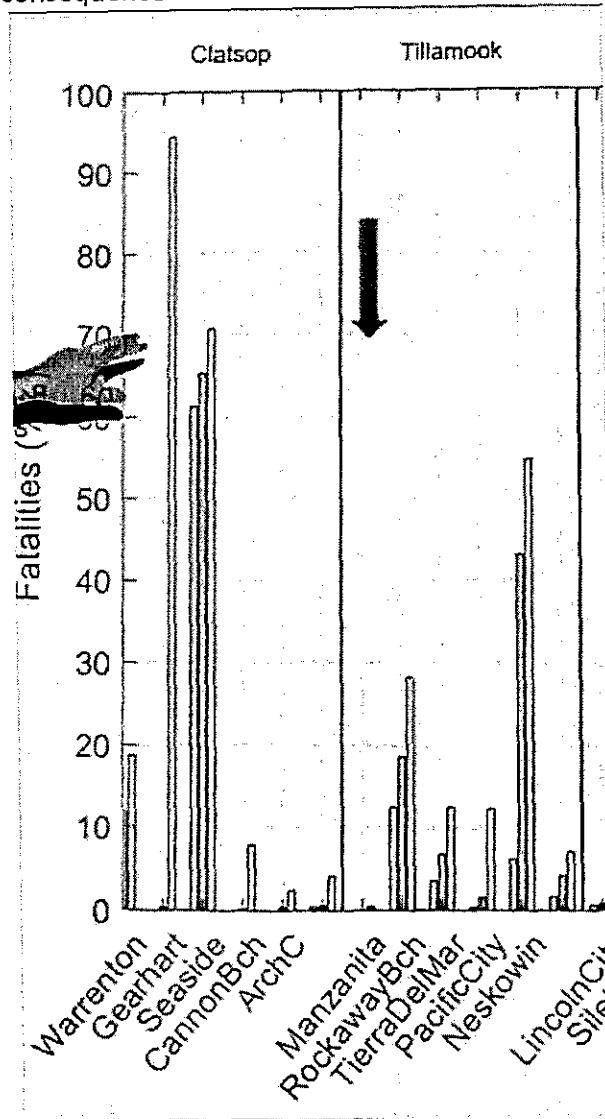
Healthcare Preparedness Program of the Oregon Health Authority's
Health Security, Preparedness and Response

May 13, 2021

The majority of people who cannot escape the tsunami will die rather than suffer injuries. Due to the extensive low-lying coastal plains on the north Oregon coast and the development patterns that exposes many people to tsunami hazards, the expected casualties (both in number and loss ratios) in Clatsop and Tillamook Counties are the highest. These estimates include permanent and visitor populations for a summer "night" (i.e., 2 AM) when populations are high.

Due to the extensive low-lying coastal plains on the north coast and the development patterns that exposes many people to tsunami hazards, the expected casualties in Clatsop and Tillamook Counties are the highest. Both counties may experience several thousands of fatalities and many hundreds of injuries. Unless more safety precautions are taken, both counties are expected to lose a high percentage of people in the tsunami zone, which is referred to as a high loss ratio.

Recent (draft) analyses by DOGAMI are alarming – as many as 50% of permanent residents and visitors may perish as a consequence of this event.



In conclusion, the Short-Term Rental industry must face this physical reality ... and take essential steps in providing necessary information and equipment to its clients.

Thank you

Mark Roberts

Lynn Tone

From: Dave <dave@monvisoinvestments.com>
Sent: Wednesday, February 8, 2023 8:51 AM
To: Public Comments; Sarah Absher; Erin Skaar; Lynn Tone
Cc: Neskowin Citizen Advisory Committee
Subject: EXTERNAL: Taxes Raised or Services Reduced?

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The changes regarding STRs are going to have a significant impact on tourism, immediately upon enactment of the changes or in the future. At some point, the very goal of the proposed changes is to reduce visitor days at STRs, the largest market for visitors. As part of your fiduciary responsibility, you need to know what that impact means. Just to be clear, there are easy changes you can make to STRs that will reduce any negative impacts they cause. But that discussion ended long ago. The changes being discussed are not about enforcement of existing regulations or slightly strengthening them, the discussion is about changes that are designed to make tourist areas sleepy little villages again. The changes are trying to take back 100 years of history of tourism growth in Tillamook County or at least make sure the next 100 years have little or no growth.

It is a given that tax revenue will be reduced with the STR limitations. You cannot limit property rights and expect that to not impact property values, business values, income from residents who depend on tourism, etc.... If my home is worth \$500,000 today, once you enact strict STR limitations, my home will be worth less, even if I don't rent as an STR. Today I have a "bundle of rights" that is 10X big and after your new ordinance as being discussed, my rights may be 8X big. You can argue, but my home will be worth less money. Future buyers who may have wanted to do an STR will possibly not be able to do that. For existing residents who are not doing STRs, you are taking away an option for them in the future. Maybe grandma or mom gets sick and needs to move in with her kids for a while. The families ability to rent mom's home out on a "short term" basis may not exist. So, the home has fewer options and is worth less money.

Businesses will be impacted. Any limitations on rental days will push all the rentals into the summer when rates are higher. During other months, there will be little or no rental inventory for tourists. That hurts every business whether it is a general store, restaurant, or even an appliance repair or sales company. Same with

strict limitations on number of people staying in STRs and even the proposed bureaucratic hurdles will reduce visitors. Our friend who cleans our home, Teri, will not be able to pay her bills anymore if her customers have to limit their rentals. What is your plan for Teri?

Obviously the STR tax money generated will be reduced or at least its growth reduced or eliminated. How much? You should know the answer. What programs will that impact? Who will it impact? With more restrictions, more enforcement will be necessary. It is just a rule of governance—the more you restrict people, the more you have to monitor them. So, what is the plan to increase enforcement, while at the same time losing revenue? How are you going to monitor the change in beneficiaries for a family trust? Partners in a partnership? Members in a limited liability company? That is sophisticated stuff but you cannot have restriction on transfer if you cannot monitor and enforce those restrictions. Have a plan. Have a budget. Be prepared to hire new employees. You need to know **details—what additional expenses are we incurring and what reductions in income are we creating.**

Legal fees for challenges to the ordinance. It is obvious that any new strong restrictions will be challenged in court. Have you budgeted for outside legal counsel, not the goofy one sided guy you have now, but a serious law firm to represent you in multiple courts. How about liability insurance for the County? If you take these actions without the benefit of real data, real information on tax revenue, economics, etc..., are you confident you will be covered by county liability insurance? I don't say that as a threat, but the County I used to work in had their insurance carrier deny coverage for this exact sort of thing: the County Commission took actions without the support or reasonable data and information. Coverage for the commissioners involved was actually withdrawn on this specific issue by the insurance carrier.

My point is to just ask you to Please, Please, pause and study the impacts. Let your residents know before you vote what impacts the new rules will create. A reduction in any taxes, will require either a tax increase or a reduction in services. Which are you proposing? Both? How much will the impacts be? What services will be reduced or what taxes will be raised? Are there plans to compensate for the reduction of tourism in the economy? Who gets hurt? How much? What potential impact will these new regulations have on home values, not just STR homes, but all homes since the proposed ordinances impacts the rights of every homeowner. As I said above, when you reduce options for a property, that generally comes with a reduction in value. Personally, I think every home in unincorporated Tillamook County should be reappraised if the proposed draft ordinances are passed. I will certainly appeal my homes valuation and likely join with others to hire an appraiser to support our position. You may be fine with that, but again, have a plan, have a budget for that, understand valuations may go down at the same time expenses go up.

You just need to make an informed decision, not based on a few grumpy retired residents who moved to tourist communities and now don't like the tourists coming to their tourist communities. You need data. How many jobs will be lost? Tax impacts? A reduction in services or raising tax rates? A clear statement of purpose: "We the elected leaders in Tillamook County believe reducing tourism's benefits our residents because...." There should be an end to that statement. You owe it to your property owners and your residents.

David Allen, Neskowin

February 7, 2023

Dear Tillamook County Planners:

We believe that the planning document prepared by the county planners does an excellent job of preparing the unincorporated area of Neskowin to meet the challenge of ever-expanding requests to create new Short-Term Rental (STR) properties, and with this letter lend our support to it.

As full-time residents of Neskowin, we sympathize with people's desire to buy a piece of real estate here even if it means renting it out for 20 years to pay for it. The unsurpassed beauty of this off-the-beaten track coastal oasis is obvious to anyone who happens upon it. First and foremost, Neskowin is a lovely place to visit because it is a lovely place to live.

We submit, however, that this is not happenstance. Full-time residents provide the foundation on which the community is built. We are the stable presence that provides financial consistency during off-tourist season as well as its peak. We provide workers to keep businesses open and staffed. We volunteer to support those in need, staff volunteer fire departments and assist local schools and events. We keep beaches clean, protect the wildlife, patrol neighborhoods, and pick up trash after bears go on feeding sprees. We form connections with each other, local merchants, and service providers that aid all of us when nature wreaks havoc through floods or fire. We oversee emergency preparedness with tsunami signage and survival site preparation in case the coast is ever hit with a major earthquake or water disaster.

We are the bedrock of the community. Our year-round attention, support, and care all contribute to why Neskowin is a desirable location, and the reason quality of life is the main commodity worthy of protection as we proceed.

We've all heard the horror stories of residents' homes becoming surrounded by STRs, where daily life is an ongoing nightmare and unavailable landlords or management services who remain unresponsive. What these accounts don't depict is the loss of enduring quality of life for the full-time homeowners, and their dedication to their community. The wear and tear of unhindered development is destructive and threatens the cohesiveness and quality of life for full-time residents, those who keep the community whole and vibrant.

There will always be those who refuse to accept limitations on their ability to do what they want, and who see any limits or regulations as unfair barriers to make money, pay off a property, or grow a

business. I suspect these constituents will bombard the planning commission with all manner of legal, and commercial reasons for more liberal, open STR growth.

We urge you to stand strong. Your proposal is fair and protects the very commodity others seek to exploit. Please keep STR growth to a manageable, and livable level so that Neskowin can survive and thrive as the vital, caring, and cohesive community that it is now, while there is still time.

We applaud the wisdom of the planning committee in the proposed development draft. Thank you.

Sincerely,

Kathleen and Wayne Ruby
49850 S. Beach Road
Neskowin, OR
208-310-6196

02/06/2023

Tillamook County Short Term Rental Advisory Committee
re: Draft Short Term Rental Ordinance | Building Code Issues

Dear Committee,

I have many concerns about the draft Short Term Rental Ordinance prepared by Mr. Kearns, this particular letter pertains specifically to the building code implications. As a licensed Oregon Architect, I deal with the building code and interpretations on a regular basis. One of the stated purposes of the draft ordinance is to *“Protect the health, safety and welfare of short-term and long-term renters, property owners, and neighboring property owners throughout Tillamook County.”* The 2021 ORSC is our current building code for one and two family dwellings and serves as a guideline for health, safety and welfare.

The draft Short Term Rental Ordinance references the 2021 ORSC for safety requirements, however I have noticed some discrepancies between what the current building code requires - most notably in .030 Bedroom Definition. The draft ordinance cites the ORSC code sections 304.1 and 305.1 for room dimensions and ceiling heights, but includes requirements that are above and beyond the code or omits the exceptions.

Per the ORSC:

- 70 SF, with horizontal dimensions of at least 7' is required for all "habitable spaces" which includes sleeping areas / bedrooms. (Section R304.1, screen capture below)

- 7' is the minimum ceiling height **for flat ceilings**, but if the ceiling is sloped, then 5' is the minimum - up to 50% of the ceiling can be between 5-7' if the rest of the ceiling is 7' or higher. Any area that is less than 5' in a sloped ceiling cannot count towards the required 70SF or minimum 7' dimension. (Section R305.1, screen capture below)

- The ORSC **does not** require “4 full-height walls surrounding a bedroom sleeping area.” Section R312.1 does require 36” guard rails to be placed on the open side of spaces adjacent to an open area. Many coastal vacation homes have open designs with sleeping lofts allowing for views with guard rails protecting the open side, which is compliant with ORSC and the previous versions of the code that preceded it.

- The ORSC **does not** require a built-in closet in order to be considered a bedroom. While desirable for long-term housing, closets are not a safety issue - it is common for beach houses, cottages and cabins built for the purposes of vacation / seasonal housing to not include closets.

- The ORSC code **does not** require a minimum of 50 SF per person

- The ORSC code requires interconnected / hardwired smoke detectors in existing only in areas where alternations or repairs require removal of interior wall or ceiling finishes to expose the structure (Section R314.4, screen capture below)

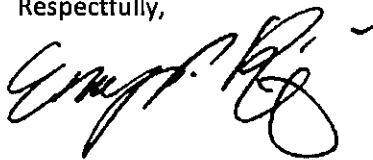
The draft ordinance states that the dwelling unit needs to meet “current requirements of the International Building Code.” When an existing structure was lawfully constructed under the current building codes in use at the time of construction, it should not be forced into full current compliance if the use or occupancy is not changing. Only the areas of the dwelling being altered, additions, and change of use from non-habitable spaces like attics and basements to habitable space or new construction needs to be fully compliant with the current code per R101.2.1.

Full compliance of the current building code would also include ventilated (“ie rainscreen”) facades, R49 roof insulation, R21 wall insulation and many other requirements. All of these are great to have - but just like requiring interconnected smoke detectors in an existing ceiling, it would be impractical and invasive to apply these requirements to an existing structure. Most homes in my neighborhood are framed with 2x4 walls and roofs which would never fit the amount of insulation the code requires today. ORSC would say that an *addition* would need to be fully compliant, but mercifully does not expect us to deconstruct and rebuild what is existing.

Food for thought...if an existing, lawful STRs does not have closets, has smoke detectors with batteries and is not fully compliant with the latest building code; and is deemed inappropriate for people on vacation, would it be appropriate to change the use to long-term housing? Would the impacts be less? Should the health, safety and welfare of short-term and long-term renters be handled differently?

In summary, I am in support of **future** STRs conforming to the current building code, as the occupancy / use would be changing. However an existing, lawful STR license should not be in jeopardy due to changes in the ordinance, especially if the dwelling has a long history of safe use as a vacation rental. Existing, lawfully licensed STRs should be grandfathered per the requirements at the time of licensure – provided the fire-life safety elements like egress windows, smoke detectors and approved bedrooms / sleeping areas met the requirements at the time approved for use as an STR.

Respectfully,

A handwritten signature in black ink, appearing to read 'Emily Draper', with a stylized flourish at the end.

Emily Draper, Oceanside

SECTION R304
MINIMUM ROOM AREAS

R304.1 Minimum area.

Habitable rooms shall have a floor area of not less than 70 square feet (6.5 m²).

Exception: Kitchens.

R304.2 Minimum dimensions.

Habitable rooms shall be not less than 7 feet (2134 mm) in any horizontal dimension.

Exception: Kitchens.

R304.3 Height effect on room area.

Portions of a room with a sloping ceiling measuring less than 5 feet (1524 mm) or a furred ceiling measuring less than 7 feet (2134 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required habitable area for that room.

SECTION R305
CEILING HEIGHT

R305.1 Minimum height.

Habitable space, hallways and portions of *basements* containing these spaces shall have a ceiling height of not less than 7 feet (2134 mm). Bathrooms, toilet rooms and laundry rooms shall have a ceiling height of not less than 6 feet 8 inches (2032 mm).

Exceptions:

1. For rooms with sloped ceilings, the required floor area of the room shall have a ceiling height of not less than 5 feet (1524 mm) and not less than 50 percent of the required floor area shall have a ceiling height of not less than 7 feet (2134 mm).
- > 2. Not more than 75 percent of the floor area of a bathroom or toilet room is permitted to have a sloped ceiling less than 6 feet, 8 inches (2032 mm) in height, provided that an area of 21 inches by 24 inches (534 mm by 610 mm) in front of toilets and lavatories has a minimum of 6 feet, 4 inches (1931 mm) in height, measured from the finished floor. An area of 24 inches by 30 inches (610 mm by 762 mm) in front of and inside a tub or shower shall have a minimum of 6 feet, 4 inches (1931 mm) in height, measured from the standing surface of the fixture.
3. Beams, girders, ducts or other obstructions in *basements* containing *habitable space* shall be permitted to project to within 6 feet 4 inches (1931 mm) of the finished floor.
4. Beams and girders spaced not less than 4 feet (1219 mm) on center may project not more than 6 inches (152 mm) below the required ceiling height.
5. Conversion of existing nonhabitable space, such as a *basement* or *attic*, to *habitable space*, shall provide a ceiling height of not less than 6 feet 8 inches (2032 mm) for flat ceilings or for the portion of ceiling required in Exception 1 of this section.

R305.1.1 Basements.

Portions of *basements* that do not contain *habitable space* or hallways shall have a ceiling height of not less than 6 feet 8 inches (2032 mm).

Exception: At beams, girders, ducts or other obstructions, the ceiling height shall be not less than 6 feet 4 inches (1931 mm) from the finished floor.

SMOKE ALARMS

R314.1 General.

Smoke alarms shall comply with NFPA 72 and Section R314.

R314.1.1 Listings.

Smoke alarms shall be *listed* in accordance with UL 217. Combination smoke and carbon monoxide alarms shall be *listed* in accordance with UL 217 and UL 2034.

R314.2 Where required.

Smoke alarms shall be provided in accordance with this section.

R314.2.1 New construction.

Smoke alarms shall be provided in *dwelling units*.

R314.2.2 Alterations, repairs and additions.

Where *alterations*, *repairs* or *additions* requiring a permit occur, the individual *dwelling unit* shall be equipped with smoke alarms located as required for new *dwellings*.

Exceptions:

1. Work involving the exterior surfaces of *dwellings*, such as the replacement of roofing or siding, the *addition* or replacement of windows or doors, or the addition of a porch or deck.
2. Installation, alteration or repairs of plumbing or mechanical systems.

R314.4 Interconnection.

Where more than one smoke alarm is required to be installed within an individual dwelling unit in accordance with Section R314.3, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual *dwelling unit*. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm.

Exception: Hardwired interconnection of smoke alarms in existing areas shall not be required where *alterations* or *repairs* do not result in removal of interior wall or ceiling finishes exposing the structure.

Jan 9, 2023

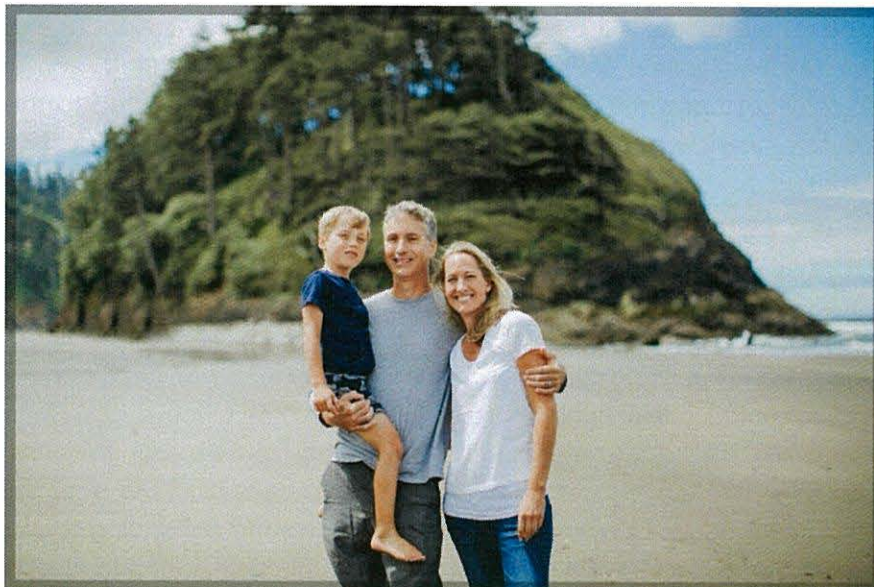
Tillamook Board of County Commissioners,

Back in September, I submitted a comprehensive personal statement with my opinions on various rules & regulations proposed for STRs in Neskowin. In response to additional public comments, I would like to follow up with my perspective as a home owner who welcomes guests to our area. Since a picture is worth a thousand words, I will include several as they give a better explanation than I could write.

This is my personal experience with STRs, and is not intended to represent other members of the community, though there are many home owners with similar stories. The STR owners that I have had the pleasure of getting to know better through this process are not nameless, faceless, corporations buying homes to flip into investments at the expense of our neighborhoods. Most of the STR permits in Neskowin are held by individuals or entities with only one STR permit (includes permits to LLCs, like mine, which are commonplace for asset protection). We are most often families, with a love of the Oregon Coast, and we would like to share that with the community. Running a successful STR is a labor of love for most.

The pandemic saw a boom of visitors to the Oregon Coast. More seasonal owners spent time in their homes, more STR guests visited, more day trippers trekked out, and more homeowners worked remotely. The pandemic boom is now subsiding, and STRs are already seeing a return in occupancy to much lower levels. Additional restrictions & regulations based on this elevated activity during the pandemic may be misguided, and may have unintentional consequences to our local tourism economy.

A vast majority of Neskowin STR owners have never received a complaint, much less been issued a violation by Tillamook County. While it's clear that there are valid concerns, I support the county enforcing Ordinance #84 as needed by focusing on any STRs with complaints on a case by case basis. I fully support evidence based solutions driven by data, instead of implementing additional regulatory restrictions and rules for all STRs, though I do support a percentage cap if it's set at a level high enough to allow extra growth and reflect our high percentage of seasonal home ownership.



Gibson Family - Proposal Rock, Neskowin

My STR foundation began 10 years ago when I was a new parent, and looking for something to do that would allow me to work from home with a flexible schedule. Decades ago, my grandparents built a vacation home in California's Sierra Nevada mountains, and I decided to try and see if I could help my family offset some of the maintenance expenses by renting to vacation guests. Long story short, it ended up being a great experience and I found a new calling of sorts. A couple years later, my husband and I purchased our cottage in Neskowin. We spent several years chipping away at projects and slowly bringing our cottage back to life with a thorough restoration honoring its historical charm.



1920s - Public Bath House (now Breakers End) - Neskowin

I am an STR host because I enjoy this experience. Welcoming family, friends and guests to Neskowin, and seeing them fall in love with this gem of a village is heartwarming. Hearing how much people love the design of our cottage and everything we've done to make it a welcoming respite is inspiring. I am an STR host because this suits my skill set and is personally rewarding. I have some families who have stayed with us multiple times, and Neskowin is their 'go to' Oregon vacation destination. I've also welcomed longer staying guests contemplating a permanent move to the Oregon Coast, as spending a month or two in a furnished home before buying is a great option made available via STRs. In fact, I think it's likely fair to say that a good number of residents at the coast started out as visitors at one time.

When I hear people say, "It's all about the money," I have to disagree. For me, this has also been a highly rewarding personal project which was featured in [The Oregonian](#). I'm an STR host because I simply enjoy it. The rental income is a perk, but it does not completely cover our expenses. In fact, we have produced no taxable income (profit) in the years we've been renting, and anticipate needing decades of rental activity to potentially offset the expenses we have incurred to this point. Typically, our rental income has been largely spent in Tillamook County. We hire local contractors, service providers, and trades people to help us maintain and make improvements. The rental proceeds from our guests are largely pumped directly back into our local community, and many home owners in Neskowin with STR permits could say the same.

Historically, many Neskowin homes have been STRs before STRs were defined, ours included. While there has been an increase in STR permits, the current level (21%) is not surprising nor out of balance considering Neskowin's extraordinarily high rate of seasonal home ownership ([67% in 2019](#)). Like many homes in Neskowin, our cottage would simply sit empty between our visits if we did not have the option to be an STR, and I am concerned about the ramifications if STRs were severely limited. I believe there is room for balance between community livability and continuing to welcome guests who support businesses all along the Oregon coast, while simultaneously honoring Neskowin's history as a vacation destination.

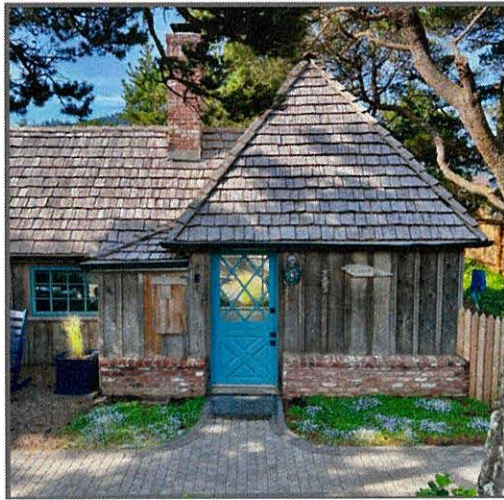
Our cottage is approximately 100 years old, and through tracing past owners I can attest to the fact that it has never been used as a full-time residence, and since its conversion to a seasonal residence in the 1940s, it has always been a family owned vacation home, typically rented as an STR for decades pre-dating online websites. Removing this use is a loss of inherent property rights. The historical use pattern of many homes in Neskowin fall into this same category. Severely restricting, or removing the ability to welcome vacation rental guests conflicts with our long established & accepted use in a community with strong historical roots based on welcoming visitors.



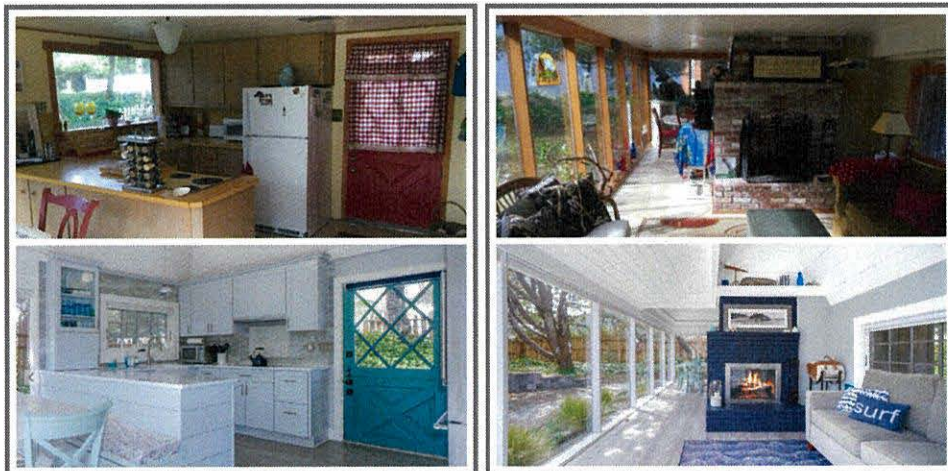
Breakers End

1948 American Home Magazine - "25 Pages of Vacation Homes From Coast to Coast"

Fondly known as "The Bath House" among locals, our cottage was originally built in the 1920s as a public bath house for beach goers and was converted to a private vacation home in the 1940s. Located at the end of Breakers Ave in Neskowin, it is now known as Breakers End. While there are cottages in Neskowin that pre-date ours, Breakers End is the oldest public structure still standing due to its origination as the public bath house. Our cottage was a diamond in the rough, which was on the market for months before our purchase. We have spent significantly on its restoration. Our rental proceeds often go directly back into our community via local companies & contractors. Through the years, local businesses have helped to amazingly transform both our interior & exterior while simultaneously maintaining the charm that makes Neskowin so special.



Breakers End - Neskowin



Kitchen & Living Room - Before & After



Exterior - Project by Coyote Gardens

I am more than just an "STR Owner" - I consider myself to be a steward of our home, a nice neighbor, and I try to be helpful in our community. I single-handedly organized the first USPS CBU (Cluster Box Unit) for the village when our local post office closed in 2021, which involved six months of advocating for local mail delivery and navigating regional government bureaucracies. I've participated in local fundraisers for the Neskowin Community Association (Cottage Walk), the Neskowin Beach Golf Course (auction donation of Breakers End), and I buy ice cream tokens from the Village Scoop so that the kids of our summer guests can enjoy free ice cream. I hire wonderful neighbors who help me keep everything running smoothly, and my guests support all sorts of businesses along the coast during their visits. Hearing feedback from a handful of residents that families who own homes with STR permits shouldn't have an equal say in the process of updating rules & regulations that impact us all, and the notion that one person's voice should count more than another's voice in this process is elitist and divisive.

In closing, the following page provides snippets of comments from my guests to give a gist of the impact that just one local STR and Neskowin both have on our visitors. Despite the rhetoric, I can assure you that the guests staying at our cottage are generally kind people who truly enjoy Neskowin. They have been welcomed by neighbors, invited to community activities, and patronized the golf course, the cafe, and the market. STRs are vital to Neskowin and the Oregon Coast. No matter the label, all of the various people within Neskowin are integral parts of our special community and we all have our own experiences. Thank you for weighing everyone's feedback when making important decisions about the future of Neskowin.

Sincerely,
Hillary Gibson

A handwritten signature in black ink that reads "Hillary Gibson". The signature is written in a cursive, flowing style.

Breakers End - Neskowin

GUEST BOOK ENTRIES & REVIEWS

SNIPPETS FROM BREAKERS END

Relaxed, invigorated, inspired, well-rested, and happy! Heaven on Earth. Deep gratitude for the beauty of the Oregon Coast. This cottage, the beach and all of the people that I have met during my stay here has filled my soul. Relaxing, cozy family weekend by the beach. Neskowin has quickly become our favorite spot on the coast. Making memories, lovely cottage, charming town, amazing people. Love! Forever remember. Perfect reset. Out of all of Oregon's little coastal towns, your extra care and touches have quickly made this our favorite. Miles of pristine forest, open vistas, and charming one-street towns that time has forgotten. Incredible sunsets, majestic bald eagles. Lovely town. My soul at peace. We love Neskowin. Best quick getaway. Wonderful family weekend. Magical weekend in a magical cottage. Granddaughters play in the creek, fly a kite, build castles. Playing on the beach & in the water. Loved the walks to the cafe to grab coffee and yummy take out. Escape. Relaxing family vacation & cannot wait to return! Wonderful weekend. Boogie boarding, climbing sand dunes, body surfing. Loved every detail & every minute! Thank you for entrusting the care of your home to us this weekend. Honestly, I have not slept this well in years. Breakers End has rejuvenated my soul & restored peace in my heart. Truly special, sanctuary, charming cottage by the sea, perfect weekend away. Lovely stay in Neskowin... Our first trip to this beach and we will definitely be back. Feels like home (maybe even a little fancier). Thank you for sharing & bringing relaxation to our lives... Our favorite beach stay ever! Everything in the house is perfect. Perfect setting. Piece of perfection. The getaway our family needed. Wonderful, rejuvenating stay. Savored every moment! Amazing place! I have always loved Neskowin, and this place is just one more reason to come back. Fantastic place! Everything was perfect. Welcoming space. Thank you so much for sharing your cozy, lovely cottage with us. Neskowin - A place of joy that extends back to my high school days - 1976. Special memories abound. Thrilled to make it back for our fourth time. Our family simply adores this place & we can't thank you enough for being such wonderful hosts! Absolutely loved this little gem at Neskowin. Neighborhood is quaint. Enjoyed the market & ice cream bus. Beach is beautiful and not crowded. Everything was perfect! Location was incredible. Neskowin is a charming in special little town. Refreshed, inspired & happy. This cottage is small but mighty and our pups really appreciated the fenced yard. Neskowin is a magical place. Our family loves this cottage. Everything from the accommodations to the location to the most gracious and considerate hosts you will ever find—it's a rare combination that keeps us coming back year after year. To say that this home is not a typical vacation rental property is a huge understatement. Furnishings and decor are absolutely lovely - like walking into your favorite beach catalog. Instantly felt at home. Neskowin Trading Company & The Cafe on Hawk Creek became part of our daily routine. I was lucky enough to spend 2 months at this lovely cottage in a lovely area. Perfect from top to bottom. Thoughtfully remodeled & decorated. This vacation filled my soul. By far one of the loveliest vacation homes we have stayed at. Beautiful cottage getaway! Steps to the beach & cafe. Being able to walk to ice cream and the market was super fun. Lux vacation. Perfect location in Neskowin, simply delightful, wonderful and very responsive host. 1st class operation, great location, wonderfully furnished, great beach getaway, exceptional experience, fully equipped, wonderful beds and all amenities you will need. Relaxation, beautiful serenity of Neskowin beach, welcoming community, amazing ghost forest. Nice cozy spot by the beach. Restful & rejuvenating spring break. Beautiful, above and beyond. Countless hours playing and reading. First time in Neskowin & we look forward to coming back. Beach is beautiful, quiet, quick stroll from the cottage. Breathtaking sunset. Hawk Creek Cafe has delicious wood fired pizza, and Village Scoop was a favorite stop for treats. Quick drive to Pacific City for a hike, lunch at Pelican Brewery, and pastries at Stimulus Coffee. Cozy. Loved the outdoor shower. Thank you for creating this beautiful space. Charming old bath house, redone to the nines! Finally, a rental that has high end finishes, furnishings, great knives that are actually sharp! Great gourmet kitchen, private patio just steps from the beach. This is probably the nicest rental I've stayed in. Gem! Perfect blend of charm, beauty & comfort. There isn't a detail that hasn't been thought of for guests. Well-appointed kitchen, cozy sectional and fireplace, crisp white linens and towels, and floor to ceiling windows for light, sky and landscape. Beautiful & peaceful home away from home. A dream come true. Loved the owner's dedication to the home's history while breathing new life into it with modern touches and design. Pleasurable jaunt to a sweet little store that carries a nice mix of everything from regional wines to pancake mix. Well done restoration with high-end touches. Will be returning again and again. This cottage is fantastic. Glorious beach day, very close to Proposal Rock. We can hardly wait to revisit Neskowin. Proposal Rock is remarkable! Almost too good to be true ... almost. Charming cottage by the sea. Beach decor right out of a cottage-living magazine. The kitchen is upscale. High ceilings & tasteful decorating. Large outdoor patio. Stunning Oregon coastline is only a few steps away. Magical place. Authentic beach cottage experience. Neskowin history. Original architectural detail & character. A real charmer! Felt as if I were transported back in time. Meticulously updated the interior to luxury standards while still respecting & honoring the original architecture and floor plan of the structure. There is no detail too small that the home owners have neglected. Dreamily comfortable bed. Sanctuary. Soul rejuvenated & renewed. Comfort & luxury, wowed at every step, very nicely appointed with high end finishes throughout. Loved the fenced in patio. Beds are very comfortable, far beyond anything I have experienced in the past. The beach is so close. We loved the take out at the little restaurant that is walkable. Enjoyed coffee from the grocery store each morning. Thank you for allowing us to borrow your lovely home!

Lynn Tone

From: Pam Greene <pam.s.greene@gmail.com>
Sent: Friday, February 10, 2023 4:16 PM
To: Lynn Tone; absher@co.tillamook.or.us
Subject: EXTERNAL: Comments and Suggestions on the Draft Ordinance 84
Attachments: jan_10_str_meeting_draft ordinance materials markuppdf.pdf

[**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 Sarah Absher and Lynn Tone,

I am fully supportive of the concepts outlined in this Draft Ordinance 84.
Really great document- thank you for all your work in getting this written.

Please consider my comments and suggestions (in red) to clarify and expand certain points.

Respectfully submitted by Pam Greene, Neahkahnie resident.
Feb 10th 2023




Let's Eat Cheese, Trees and Ocean Breeze

MEMO

I am fully supportive of the concepts outlined in this Draft Ordinance 84.

Please consider my comments and suggestions (in red) to clarify and expand certain points.

Submitted by Pam Greene, Neahkahnie resident.
Feb 10th 2023

Date: January 9, 2023
To: Tillamook County Short-Term Rental Advisory Committee
From: Sarah Absher, CFM, Director 
Subject: Draft Ordinance 84 Revisions

Attached to this memorandum is an updated draft Ordinance for your review and consideration. The proposed language reflected in this draft Ordinance largely reflects the goals and priorities of the committee. These goals and priorities include ways to enhance community livability, strengthen the County’s enforcement part of the program, and address public safety concerns.

Included in the language revisions are two examples of language implementing two of the regulatory tools discussed last month to address growth of short-term rentals in community. These examples are reflected in the gray-shaded text portions of the Ordinance draft. It is recognized that these two regulatory tool options have not been completely vetted by the committee and are included to provide a comprehensive scope of what implementation of one or more of these regulatory tools could look like embedded in the Ordinance.

Mr. Kearns and I recognize there is still work to be done with this Ordinance that will be guided by committee feedback and recommendations that we look forward to receiving starting at tomorrow’s Short-Term Rental Advisory Committee meeting.

To update the committee on the regulatory tool option discussions that took place last month, I am pleased to share that Department staff have been working with the Tillamook County Visitor’s Association to better understand revenue and economic impacts to various programs supported by TLT revenue if one or more of the regulatory tools are recommended by the committee. Work is still underway. A presentation of our findings is tentatively scheduled for the February 2023 meeting.

I am fully supportive of the concepts outlined in this Draft Ordinance 84.

Please consider my comments and suggestions (in red) to clarify and expand certain points.

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Short-Term Rental Ordinance

- 010Title
- 020Purpose and Scope
- 030Definitions
- 040Annual Short-term Rental Registration Certificate Required, Basic Requirements for a Registration Certificate, No Nonconforming Use Status Conferred
- 050Application and Fees
- 060Term of Annual Registration Certification and Renewal
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- 080Operational Requirements and Standards for Short-Term Rentals
- 090Additional Inspections Required
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.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 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 registration 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.

*"as they choose" should be qualified.
Suggestion: "as they choose from County permitted options for the uses of residential homes for business purposes."
(For example it may not be permissible to run a hospice, crematorium, bar, restaurant, automotive painting business, dog boarding kennel or pig farm on the premises of one's home in a residential neighborhood.)*

Suggestion: add "visitors,"

Rationale: Not all visitors are renters, (eg. non-paying family or friends) and this ordinance protects their health safety and welfare too.

4. Provide long-term residential options for those people who want to live and work in Tillamook County.
 5. 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.
 6. Help maintain the County's supply of housing available for long-term residential use.
 7. 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.
- 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 registration certificate is revocable permission to operate a short-term rental, but only as provided in this Ordinance. An registration certificate 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 rules 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 rules 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 registration certificate.
- 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). If the room is intended for overnight occupancy by more than one person, it must have at least 50 square feet of floor area per person
 - Consists of four walls to the ceiling, at least one of which is located along an exterior wall with a window
 - A minimum ceiling height of not less than 7 feet (ORSC R305.1)
 - An emergency escape and rescue opening (ORSC R310)
 - A built-in closet
 - A smoke alarm (ORSC R314.3 item 1)
 - A carbon monoxide detector (ORSC R315.3)
 - 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 if designated on the registration application, the authorized agent of the owner, authorized to act for the owner of the rental.

Suggestion: add "All permitted rooms designated for use as, or advertised as, bedrooms must be recorded as such in county assessor records for that property. Changes in the number must be updated upon transition of use to or from bedroom usage."

Rationale: In the event of a night time earthquake or slide, this allows emergency responders to know number of potential locations to search for trapped individuals.

- 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 10:00am 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. "Dwelling unit" does not include a 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 Registration Certificate, 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 Registration Certificate; 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. "Non-transient rental" means to rent a dwelling unit or room(s) for compensation on a month-to-month or longer basis.
- Q. "Onsite Wastewater Division" means the Onsite Wastewater Division of the Department of Community Development.

- R. "Onsite Wastewater Treatment System" means any existing treatment and dispersal system of residential wastewater.
- S. "Owner" means 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.
- T. "Registrant" means the owner of a dwelling unit who holds a Short-Term Rental Registration Certificate.
- U. "Renter" means a person who rents a short-term rental or is an occupant in the short-term rental. Renter includes the term "tenant".
- V. "Road Authority" means the Tillamook County Public Works Department and the Oregon Department of Transportation (ODOT).
- W. "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".
- X. "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. *Suggestion: add "to neighboring properties and the environment."*
- Y. "Short-Term Rental" or "STR" means the transient rental of a dwelling unit for a period of 30 or fewer nights per calendar year 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.
- Z. "Short-Term Rental Registration Certificate" means the annual registration certificate required by Section .040, described in this Ordinance, and referred to as a "registration certificate."
- AA. "STR 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.
- BB. "Subject Property" means the property on which the short-term rental is located.

CC. “Transfer” means 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.

If the verb to rent is used to define rental it should be defined. It is important to define it as a business pursuit.

DD. “Transient rental” means to rent a dwelling unit for compensation on a less than a month-to-month basis. *Transient rental- A business transaction (or a transaction of commerce) whereby there is an exchange of compensation for overnight accommodations in a dwelling unit and premises on a less than a month-to-month basis.*

EE. “Vacation Home Rental” means the transient rental of an entire dwelling unit.

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 Registration Certificate Required, Basic Requirements for Registration, 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 Registration Certificate. “Advertise or offer” includes through any media, whether written, electronic, web-based, digital, mobile, print media or any other form of communication.

- A. *Certificate Must Be Obtained.* A Short-Term Rental Registration Certificate shall be obtained and renewed as prescribed in this Ordinance before a dwelling unit may be offered, advertised or used as a short-term rental. The permission to operate a short-term rental in unincorporated Tillamook County that is embodied in a registration certificate may be revoked for failure to obtain, renew or maintain registration, to operate a short-term rental in accordance with all requirements of the registration certificate, 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 registration certificate.
- B. *No Nonconforming Status Conferred.* The fact that an owner of property or other entity may hold a registration certificate 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 registration certificate.
- C. *Cap on Number of STR Registration Certificates In Effect for Unincorporated Communities and Properties within City Urban Growth Boundaries.* The County has established a limit on the number of STR Registration Certificates that can be in effect at any one time for defined residential subareas within Tillamook County. If at the time of registration application for a new or renewed STR registration certificate, there is not room within the applicable subarea cap to accommodate the new or renewed STR registration certificate, the application will be denied, but the applicant will be placed on a waiting list in order of rejection/non-renewal and will be contacted by the STR Administrator as soon as there is room within (under) the applicable subarea cap to accommodate the new/renewed STR registration certificate.

Suggestion:

As an alternative to a waiting list, a lottery could be held for open certificates.

An overall STR percentage CAP must ALSO be implemented in addition to this density limitation for new STR's. We already have 84 STRs in tiny Neahkahnie, and a density limitation without a CAP will only create more STR's in the community, but won't easily reduce the overabundance we already have in some areas for 5 years. Proposed percentage cap of 10% is necessary in Neahkahnie)
Any new STR's certificates should be on hold until others lapse or sunset in 5 years.

- D. *Density Limitation on STR Registration Certificates In Locations Outside Unincorporated Community Boundaries and City Urban Growth Boundaries.* The County will not issue or renew a STR registration certificate if, at the time of application, there is a valid and registered STR operating on a property within 250 feet (closest property boundary to closest property boundary) 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.

.050 Application and Fees

Percentage CAPS could be variable based on life, health, safety, terrain, water availability, fire risk, infrastructure and other factors of given communities.

- 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 Registration Certificate thereafter:

1. *Owner/Applicant Information.* Applicant's name, permanent residence address, telephone number, and the short-term rental address and telephone number.

Should rentals be required to have a landline telephone or dedicated number for receiving calls?

Note: Many homes no longer have landline telephones, therefore no dedicated telephone number.

2. *Representative Information.* The applicant shall provide the name, working telephone number, address and email of a local representative, which can be a person or company – a Qualified Local Contact Person – who can be contacted concerning use of the property or complaints related to the short-term rental, as set forth in Section .070. For the purposes of this requirement, "local" means the representative's is within a 20-minute travel time of the subject property where the short-term rental is located.

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.

Suggestion: "In addition to annual mailings, neighboring properties must be informed of any changes to the name or contact information within 14 days."

7. *Notice to Neighbors.* The applicant shall provide an annual mailing or distribute by hand, a flier to owners and residents of neighboring properties within 250 feet of the perimeter of the rental property containing the registration certificate number, 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.

Contact information must include a working telephone number for receiving calls.

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 registration certificate or registration 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 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 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 registration 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 withdrawn and the County may refund all or a portion of the application fee.
- D. *Registration Fees.* The fee for application for a short-term rental registration certificate or registration certificate renewal shall be as established by resolution of the Board of Commissioners, but shall not be less than the following amounts:

Suggestion: add " All fees subject to change and may be adjusted annually "

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. *Suggestion: change to "not less than \$300 per bedroom." \$300 for a multi-bedroom whole house is WAY too low.*
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. *Suggestion: "Not less than"*
4. After the inspection and the County's STR Administrator has confirmed the number of bedrooms exceeds the number indicated on the application, a fee of not less than \$75 per bedroom shall be due before the County issues the short-term rental registration certificate for the dwelling unit. *Suggestion: " Any nonconforming rooms found to be used as, or advertised as, bedrooms must be recorded as such in county assessor records for that property. Any nonconforming rooms must have sleeping furnishings removed before certificate is granted, and affidavit must be signed that room will NOT be used as a bedroom."*
5. Any alteration to an existing Short-Term Rental Registration Certificate shall be subject to a registration certificate alteration fee of not less than \$50.

.060 Term of Annual Registration Certification and Renewal

- A. *Term.* A short-term rental registration certificate 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 or property ownership status changes during the 12-month registration certification period, the new property owner shall timely notify the County in writing of the change and provide all new contact and tax payment information.
- B. *Transferability.* The registration certificate shall be issued in the name of the short-term rental property owner(s) and is transferable to another person or entity, but the new owners must still renew the registration certification annually and qualify according to the applicable standards for renewal.

.070 Application Required and Burden for Application Approval and Registration Renewal

- A. *Application Required.* Applications for a Short-Term Rental Registration Certificate 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 Registration Certificate. 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 all-weather travel surface off-street parking space shall be provided for every bedroom in the dwelling unit. In calculating the number of spaces required, the total shall be rounded up. 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 registration certificate renewal to show the garage is available and large enough for vehicle parking. 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 Registration Certificate.

2. Vegetation removal in the front yard shall be the minimum necessary to create and maintain the required parking spaces.

3. Each parking space shall be a minimum of 8-feet by 20-feet. Parking spaces shall be oriented on the subject property in a manner that ensures maneuverability of vehicles within the property boundaries.

4. No more than one (1) vehicle per bedroom shall be allowed for each STR. Two (2) additional parking spaces may be allowed for daytime guests. On-street parking is prohibited. *This is especially important where on-street parking limits access of emergency responder vehicles, or where quick community egress is needed in the event of an emergency. Neahkahnie has narrow dead end roads, and in some cases one lane roads.*

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 require all renters to use the off-street parking when using the short-term rental.

Question: In determining parking space size, should there be a setback from the edge of the road in order to maintain a safe space for pedestrian foot traffic?

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. *Registration Approval and Annual Renewal Criteria.* To receive approval, registration certificate renewal, or maintain registration certification, an applicant must demonstrate with a preponderance of credible relevant evidence that all of the criteria in Section .080 are satisfied.

G. *Initial and Every Third Year Renewal Inspections.* To merit approval of an initial (first year) Short-Term Rental Registration Certificate 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.

*Note: clarification needed about maximum persons and + 2 additional minors under 12. A simple formula and table should apply to all.
2 persons (of any age) per bedroom maximum, plus an additional 2 minor children under the age of 12 per household.
1 bedroom = 2 persons + up to 2 additional minor children under the age of 12 maximum people 4
2 bedroom = 4 persons + up to 2 additional minor children under the age of 12 maximum people 6
3 bedroom = 6 persons + up to 2 additional minor children under the age of 12, maximum people 8
4 bedrooms = 8 persons + up to 2 additional minor children under the age of 12, maximum people 10
5 bedrooms "estate" = 10 persons + up to 2 additional minor children under the age of 12, maximum people 12
6 bedrooms "estate" = 12 persons + up to 2 additional minor children under the age of 12, maximum people 14
7 bedrooms "estate" = 14 persons + up to 2 additional minor children under the age of 12, maximum people 16
8 + bedrooms "estate" = 14 persons + up to 2 additional minor children under the age of 12, maximum people 16*

Note: clarification needed about these 2 "additional persons". Suggestion it should read: "up to two (2) additional minor children, age 12 or under". Otherwise it sounds like this is allowing up to 8 persons in a 2 br. home and that is too many! Where would they all sleep if not in a permitted bedroom?

.080 Operational Requirements and Standards for Short-Term Rentals. To qualify to obtain or retain registration certification, 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 Registration Certificate.

Suggestion- Rewrite this section with a table to make it easier to understand, it is way too complicated.

A. **Maximum Occupancy.** The maximum overnight 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 overnight occupancy of six (6) people. The contact person may allow up to two (2) minor 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 physical inspection of the short-term rental and using County Assessor and/or Department Building Division records.

Suggestion: "Any conforming rooms to be used as bedrooms must be recorded as such in county assessor records for that property."

STRs are not "Clown Cars"

B. Maximum overnight occupancy of a rental shall not exceed 10 (ten) persons within the short-term rental dwelling unit and up to two (2) minors aged twelve (12) and under.

C. The owner of an "Estate Home" shall be exempt from subsection (B) of this section to allow for up to two (2) additional bedrooms with no more than two (2) persons for each additional bedroom. Exemption shall allow for a maximum overnight occupancy of fourteen (14) persons. The contact person may allow up to two (2) minor children, age 12 or under, to occupy the short-term rental in addition to the maximum number of occupants otherwise provided in this Subsection.

D. The maximum daytime occupancy for any short-term rental shall be limited to the overnight maximum occupancy plus six (6) additional people. For example, a two-bedroom dwelling unit is permitted 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 the 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 satisfy this requirement. Where registration certification 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 Registration Certificate.

Suggestion: "The contractual alternate parking spaces may not be designated as primary or alternate parking spaces for another rental, and must be available solely for the use of the contractually designated STR."

F. **Noise.** Any radio receiver, musical instrument, phonograph, loudspeaker, sound amplifier, or any machine or device for the producing or reproducing of any sound shall be conducted within a fully enclosed short-term rental dwelling unit and shall not be audible beyond the property lines of the subject property where the short-term rental is located. *(Thank you for including this, it is a very important operational standard and has been implemented in other communities in their STR regulations)*

Note: If .080 F. is an operational requirement, then G. does not need to include amplified music.

G. *Quiet Hours.* The hours of 10:00p.m. to 7:00a.m. are quiet hours, and there shall be no amplified music and no loud singing, talking or other audible noise during quiet hours that can be heard beyond the property boundaries of the short-term rental property.

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 registered short-term rental shall be fully permitted and all work completed by a licensed and duly qualified contractor. 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 utilized as part of the short-term rental. *Suspend the certificate until non-compliant fixes are made is another option.*

*Suggestion:
" Any conforming rooms found to be used as, or advertised as, bedrooms must be recorded as such in county assessor records for that property. Any nonconforming rooms must be devoid of all sleeping furnishings.*

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 20 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 registration certification, but only by revising the registration 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 20 minutes of being summoned shall be a violation of this Ordinance.

And providing written notice of changes within 14 days to neighboring property owners/residents.

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 registration application and renewal. The contact person shall be responsible for completing the fire safety checklist and ensuring continued compliance. The County shall verify the information required prior to issuance of a Short-Term Rental Registration Certificate 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.
The panel shall be in a location accessible to the rental occupants.
4. Ground Fault Circuit Interrupter (GFCI) protected receptacles shall be provided at outdoor locations and at kitchen and bathroom sinks.
5. Every bedroom shall have a smoke detector that is interconnected with a smoke detector in an adjacent hallway, common area, or in the immediate area of bedroom. Additionally, an interconnected smoke detector shall be placed on each additional floor and basement without a sleeping area. Interconnected may be via hardwiring or battery-operated wireless interconnectable smoke detectors.
6. A carbon monoxide detector/alarm device shall be placed and maintained in each bedroom or 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.
Add: All outdoor fire pits must meet regulatory standards for setback from structures and vegetation. An extinguishing water source (or gas shut-off) must be x distance. During times of high fire danger, no outdoor fires are allowed.

Posted instructions for calling emergency responders, evacuation procedures in the event of earthquakes, tsunamis, and beach fire safety guidelines are also needed.

8. All interior and exterior stairways with 4 or more steps and that are attached to the structure, shall be equipped with a hand rail.
and inspected to meet code.

Proposed: All outdoor wood burning fire pits should be prohibited in areas of steep slopes and where emergency evacuation of persons is restricted such as by dead-end or narrow 1 lane roads.

9. All interior and exterior guardrails, such as deck railings, shall be able to withstand a 200 pound impact force.
10. Exterior lighting shall be directed in a downward direction to prevent glare onto adjacent properties.

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 sleeping area 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 covered garbage containers that can be secured in compliance with franchise

requirements. 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. *Mandatory Postings.* The Short-Term Rental Registration Certificate 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 and at the property's boundary at the front of the dwelling unit where it is visible and readable by anyone in the road right-of-way. Additionally, the owner shall post a placard inside the short-term rental dwelling unit at the front door and outside the unit at the property line where it can easily be read by people in the road right-of-way that contains the following information:

1. The registration number that confirms the certificate is issued by Tillamook County, with the date of expiration.
2. The name of the property owner and the contact person and a telephone number where the contact person may be contacted in case of any problems at, or complaints about, the short-term rental;
3. The number of approved maximum parking spaces and their location(s);
4. The number of bedrooms and maximum occupancy permitted for the short-term rental;
5. Any required information and conditions specific to the Short-Term Rental Registration Certificate;
6. Day of week of trash pickup;
7. The property address.

O. No recreational vehicle, travel trailer, or tent or other temporary shelter shall be used as or in conjunction with a short-term rental. No occupancy of a parked vehicle, including recreational vehicles is permitted in conjunction with a short-term rental.

P. 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.

Q. 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, and provide copies to all short-term rental renters:

Good Neighbor Policy:

This example of a Good Neighbor Policy is much too vaguely and delicately written. It does not adequately highlight the risks to community safety or repercussions of non-compliance.

Commitment to Community: We share our Expectations of Conduct with guests in multiple ways: on our website, at time of booking, and upon arrival. These are

enforceable standards required by the local jurisdiction. We think it's good information for residents, too! Here are a few examples:

- Please respect personal property boundary lines, do not trespass or let pets wander beyond rental premises.

- Neighbors & Noise - The neighborhood general quiet hours are from 10 pm to 7 am. *No music shall be audible beyond the property boundaries at any time.*
- Parking - Parked vehicles may not block driveways or emergency vehicle access lanes; Obstructed access means delays, and delays could cost someone's life. Park smart.
- Speed Limits - Be mindful of posted speed limits. ~~If you're not sure, slow down.~~
- Garbage - All garbage will be put in the provided secure containers and will be picked up by a local franchised hauler at least once a week. Did you know it is a crime to put garbage into a can that is not for your home?
- RVs - Occupied trailers and tents are not allowed on the premises at any time.
- Pets - Leash your pet unless you are in a clearly defined off leash area. Also, clean up after them. "It's your duty to pick up your pet's waste!"
- Fires - Fires are only allowed in designated areas and should never be left unattended.
- Fireworks - The State Fire Marshall says, "Keep it legal and keep it safe!"
- **All** Fireworks are illegal in residential areas and prohibited on all of our beaches.
- Drones - Be mindful of where you are flying, and respectful of private property and wildlife. *It is illegal to fly drones near federally protected species.* *Do not fly over*
- Extras during COVID - We ask our guests: "In the last 14 days, has anyone in your party: 1) Been tested for COVID, 2) Tested positive for COVID, and 3) Exhibited symptoms of COVID?" We encourage social distancing and offer contactless check-in & check-out. *Perhaps this should be rewritten to be more inclusive of other diseases (example: measles, polio, TB, etc.) Suggestion: "2) Tested positive for any potentially life threatening contagious diseases such as COVID,..."*

Pet waste spreads disease. (Flies carry germs to picnics, kids play barefoot on the beach.)

Maximum speed in residential neighborhoods is 20 mph unless posted.

During times of high fire danger, no outdoor fires are allowed check -----for local postings. Never burn plastics indoors or outdoors, they release toxic chemicals during combustion.

These 2 statements are contradictory. What is this point trying to say? Are legal/safe fireworks allowed in residential areas or not? Please rewrite. Mention illegal fireworks are never allowed in Tillamook county.

Posted instructions for calling emergency responders, evacuation procedures in the event of earthquakes, tsunamis, and beach fire safety guidelines are also needed.

.090 Additional Inspections Required. To merit approval of an initial (first year) Short-Term Rental Registration Certificate 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:

- 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 Registration Certificate shall be not issued until the short-term rental passes inspection by the County Building Inspector.
- 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 registration application shall be invalidated, and the property owner must reapply and pay the requisite application and inspection fees. *Question- Does this mean they go onto the waiting list to obtain a permit? What happens if during this time other nearby STR rentals are approved and then the pending STR is within the 250 foot distance?*

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.

1. 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 3 years of the date of the registration 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 the ESER or within the specified timeframe for completion of the reinspection as specified in subsection B above, whichever occurs first. Registration certification shall not be issued or renewed 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, registration certification shall be revoked.
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, 2023. 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 Registration Certificate. The Onsite Wastewater Division is the delegated authority to adopt 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 the Unincorporated Tillamook County.

A. *Advertising and 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 twenty (20) minutes to complaints from or through the Hotline and shall respond in-person within thirty (30) minutes to any additional or successive complaints regarding the condition, operation, or conduct of occupants of the short-term rental. Unresolved complaints shall result in an immediate violation 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 Registration Certificate, 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.* ~~Examples of events include, but are not limited to, organizational meetings, company retreats, wedding ceremonies, rehearsal dinners, family reunions, anniversary or birthday parties etc.~~ Events where an approved Temporary Use Permit

The prohibition of these events as written is onerous. As long as the STR does not exceed maximum daily and nightly occupancy, or violate any of the previously noted noise provisions, (example no amplified sound beyond property boundaries) all of the above should be allowed. Events larger than the allowed minimum, or requiring amplification should require temporary permits on a case by case basis depending on property size, and possibly limited to 2-3 per year.

No longterm rentals shall be sublet and turned into de facto short term rentals by tennants or property managers or owners.

has been issued by the Department of Community Development are exempt from this prohibition.

2. Unattended barking dogs.
3. Activities that exceed noise limitations contained in this Ordinance.

.110 Implementation of this Ordinance and Application to Short-Term Rentals Registered and Certified on the Date of its Adoption. All new/initial Short-Term Rental Registration Certificates 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, registered and operating on the date of adoption of this Ordinance (Lawful Pre-Existing Short-Term Rentals).

A. *Lawful Pre-existing Short-Term Rentals.* To qualify as a Lawful Pre-Existing Short-Term Rental, the property owner must be able to demonstrate the following with credible evidence to the satisfaction of the County's STR Administrator:

1. The short-term rental operator had a County-issued registration certificate during the 12 months preceding adoption of this Ordinance.
2. Proof the short-term rental has been rented during the 12 months preceding adoption of this Ordinance for a verifiable number of nights.
3. The short-term rental owner paid the County's Transient Room Tax during the 12 months preceding adoption of this Ordinance for a verifiable number of nights.
4. The short-term rental owner paid the County's Short-Term Rental Operator License Fee during the 12 months preceding adoption of this Ordinance.

B. *Deferred Compliance with Some STR Requirements for Renewal of Lawful Pre-existing STRs.* Lawful Pre-existing STRs, as defined in this section, shall be subject to and comply with all of the operational requirements in this Ordinance except for the following:

1. *New application or renewal precluded due to the subarea Cap.* The subarea caps limitation in Section .040(C) shall not apply to the first 5 registration renewals for Lawful Pre-Existing STR following adoption of this Ordinance. Registrants must still renew their registration annually but will not be denied due to the subarea cap during the first 5 renewals. Thereafter, all applicants for a new or renewed STR registration shall be subject to the applicable subarea cap.
2. *New application or renewal precluded due to 250-foot density limit.* The 250-foot minimum separation density requirement in Section .040(D) shall not apply to the first 5 registration renewals for a Lawful Pre-Existing STR following adoption of this Ordinance. Registrants must still renew their registration annually but will not be denied due to there being an active registered STR property within 250 feet the applicant's property. Thereafter, all applicants for a new or renewed STR registration shall be subject to the applicable 250-foot minimum separation distance between registered STRs.

Suggestion: If within 5 years (5 registration renewals) there is a transfer of property ownership of a short-term rental that does not meet the 250-foot minimum separation density requirement, the registration certificate shall NOT be transferable to another person or entity, but the new owners may apply to be put on the waiting list for a permit in the event of an STR opening within the 250-foot minimum separation.

Tillamook County STR Ordinance Draft 1-9-2023

In other words, the new owners don't get the remainder of the 5 year sunset, or a reset for a new 5 year period.

C. *Compensation for Reasonable Investment in a Dwelling Unit as a Short-Term Rental.*
When the operation of a short-term rental must be curtailed or eliminated as a result of this Ordinance.

1. The 5-year deferred compliance (amortization period) provided for in this section for Lawful Pre-existing Short-Term Rentals shall be deemed just compensation for any reasonable investment that the property owners may have made in the dwelling unit for its use as a short-term rental that cannot otherwise be recouped, through use of the dwelling unit for long-term residential tenancy. In the event that an owner deems the amortization period provided for herein to be insufficient compensation to recoup his or her reasonable investment in the property's actual use as a lawful short-term rental (*i.e.*, hosted homeshare or vacation home rental) or imposition of these regulations results in a demonstrable reduction in the property's fair market value, such a property owner shall apply for additional compensation from the County pursuant to this section. *All business and investment ventures are subject to loss on the investment. Return on investment and/or profits should not be not guaranteed. Business investment losses may be deducted on Federal taxes.*
2. To seek additional compensation, the property owner shall submit a written claim for additional compensation with the County's STR Administrator within 90 days after the adoption of this Ordinance. In such claim, the property owner shall provide documentation of the owner's reasonable investments in the property exclusively for its use as a transient rental that exceed the value that can be recouped from continued transient rental use of the property for the amortization period and which cannot be put to any other economically viable use of the property. The property owner's burden of proof requires credible evidence that this Ordinance caused a reduction in fair market value of the property as a lawful short-term transient rental as compared to use of the property for long-term tenancy that cannot be recouped by the amortization period provided in this section. For purposes of this section, "credible evidence" means a professional real estate appraisal of the property's value with and without the regulations in this Ordinance, less the rental value derived from the 5-year amortization period for herein. If the property owner is able to demonstrate that application of this Ordinance resulted in a loss in property value that cannot be recouped through the amortization period provided for herein, the County STR Administrator may provide additional compensation in a form and amount of the Administrator's choosing based upon the evidence. *All business and investment ventures are subject to loss on the investment. Return on investment and/or profits should not be not guaranteed. Business investment losses may be deducted on Federal taxes.*
3. The property owner may appeal any such final determination pursuant to Section .140.

By the same token, it could be argued, non STR residents are due compensation for the degradation of community and ensuing emotional distress caused by transient rental turnover in STRS. Their health (sleep) and safety are degraded by noise, nuisance and ensuing emotional distress.

.120 Violations. In addition to complaints related to nuisance and noise and other violations of ordinances the Tillamook County Code, 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 Registration Certificate.

- 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 Registration Certificate 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 Registration Certificate.

.130 Penalties. Xx

- 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 Registration Certificate and cessation of use of the dwelling unit for short-term tenancy:
 - 1. Failure to renew a Short-Term Rental Registration Certificate as required by Section .060 while continuing to operate a short-term rental.
 - 2. Receipt by the County of 3 or more unresolved complaints about the short-term rental within a 12-month period alleging violations of the requirements of this Ordinance.
 - 3. The discovery of material misstatements or that the registration application included false information for a Short-Term Rental Registration Certificate or renewal shall be grounds for immediate revocation of the certificate.
 - 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 certificate.

5. Upon an emergency suspension or revocation of a Short-Term Rental Registration Certificate 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 Registration Certificate 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 or revoking a Short-Term Rental Registration Certificate may be challenged, if at all, only pursuant to this section. This includes a decision by the County's STR Administrator made pursuant to Section .110 regarding a Lawful Pre-Existing Short-Term Rental.

- A. *Filing Requirements – Notice.* The property owner or authorized agent may appeal a decision to approve, renew, deny or revoke a Short-Term Rental Registration Certificate, including any decision related to a Lawful Pre-Existing Short-Term Rentals under Section .110.
- 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 registration application, registration 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 by resolution a fee for filing an appeal 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, 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 Registration Certificate, 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 Registration Certificate, operation of the short-term rental may continue under the Short-Term-Rental Registration Certificate.
- 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.

Lynn Tone

From: Pam Greene <pam.s.greene@gmail.com>
Sent: Friday, February 10, 2023 5:19 PM
To: absher@co.tillamook.or.us; Lynn Tone
Subject: EXTERNAL: National League of Cities: Analysis of 60 short-term rental ordinances from across the United States
Attachments: National League of Cities Short-Term-Rental-Regulations.pdf

[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 Director Absher,

I am sending this document as a supplement to review to help all stakeholders understand the need for, and to enable the fine-tuning of the drafting of Short-Term Rental Regulations. Although Tillamook is a county, and not a city, this document covers relevant issues raised by the proliferation of STRs. These issues can be addressed with fair, balanced regulations benefitting all, and it shows compromise is needed.

A quick online search shows cities and counties across the nation are now grappling with how to regulate Short-Term Rentals. Tillamook is not alone, unique or the first, but we should not be the last to enact meaningful regulation.

Respectfully submitted,

Pam Greene

Neahkahnie resident

Short-Term Rental Regulations: A Guide for Local Governments. Based on an analysis of 60 short-term rental ordinances, this action guide lays out a detailed overview of best practices for cities to develop and pass short-term rental regulations in their communities.

<https://www.nlc.org/resource/short-term-rental-regulations-a-guide-for-local-governments/>

Short-Term Rental Regulations:

A GUIDE FOR LOCAL GOVERNMENTS



About the National League of Cities

The National League of Cities (NLC) is the voice of America's cities, towns, and villages, representing more than 200 million people. NLC works to strengthen local leadership, influence federal policy, and drive innovative solutions.

NLC's Center for City Solutions provides research and analysis on key topics and trends important to cities, creative solutions to improve the quality of life in communities, inspiration and ideas for local officials to use in tackling tough issues, and opportunities for city leaders to connect with peers, share experiences and learn about innovative approaches in cities.

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Authors

Tina Lee, Senior Research Specialist,
National League of Cities

Lauren Lowery, Director, Housing & Community
Development, National League of Cities

Lena Geraghty, Director, Sustainability
and Innovation, National League of Cities

Kyle Funk, Program Specialist,
National League of Cities

Samantha Carr, Housing & Community
Development Intern, National League of Cities

Acknowledgments

The authors wish to recognize **Matthew Disler** of the Harvard Berkman Klein Center for Internet & Society for his contributions to this report and **Kristin Szakos** for copy editing. The authors also wish to thank the city staff and elected officials who agreed to be interviewed to inform this report, including those from **Fayetteville, AR, San Diego, CA, Charleston, SC, Lake Placid, NY, Columbus, OH, and Henderson, NV.**

INTERACTIVE

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Foreword

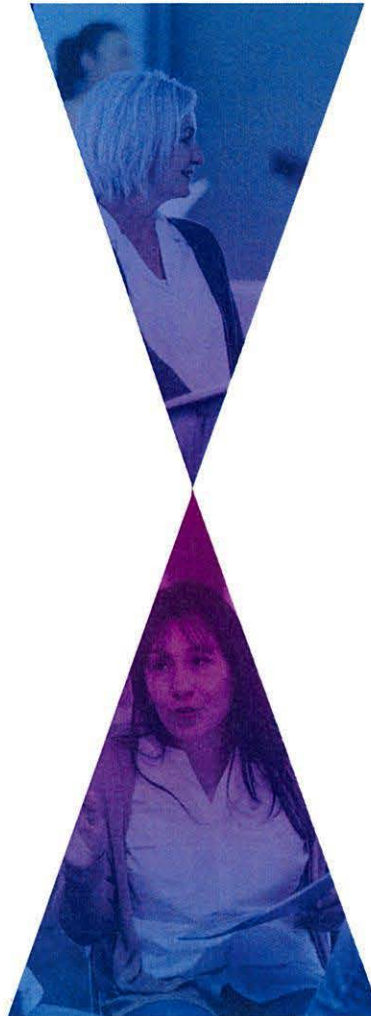
IN RECENT YEARS, short-term rentals have increased in cities, towns and villages across the United States. As a result of this growth, local leaders have had to grapple with competing benefits and challenges – in particular, how to ensure a healthy stock of affordable housing and how to support local tourism and economic development opportunities. One of the top priorities for city leaders today is to ensure that residents and visitors to their communities have access to safe, affordable lodging.

These competing priorities make passing regulations difficult, which is why it's not surprising that short-term rentals have become a common topic of discussion among our members at the National League of Cities (NLC). Members faced with these challenges often ask us, "What tools are available to assist me with regulating short-term rentals in my community?"

This persistent question led NLC to research short-term rental regulations in cities across the country and ultimately produce *Short-Term Rental Regulations: A Guide for Local Governments*. Based on an analysis of 60 short-term rental ordinances, this action guide lays out a detailed overview of best practices for cities to develop and pass short-term rental regulations in their communities.

While no two municipalities face the same opportunities and challenges when it comes to regulating short-term rentals, this research provides insight into how to chart a path forward successfully. This guide recommends local leaders create and enforce firm and fair regulations by focusing on clear policy objectives, centering racial equity as a critical component in their planning and actively engaging with relevant stakeholders throughout the process.

4 *Short-Term Rental Regulations: A Guide for Local Governments*

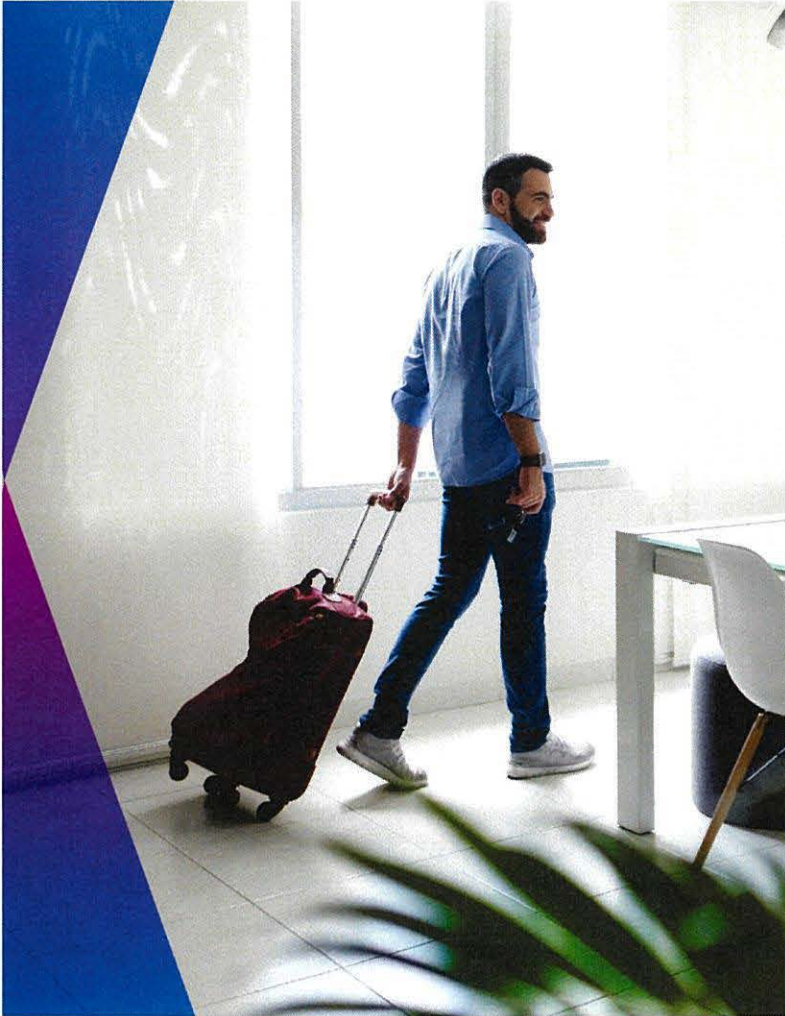


Short-term rentals can open a swath of opportunity for homeowners looking to make additional dollars, while also providing economic development opportunities in neighborhoods that may not generally see high levels of tourism. By bringing community and industry leaders together, local leaders can create policies that work for both – and maximize the potential value of short-term rentals for hosts, guests and neighbors alike, all while protecting the affordability of neighborhoods.

While short-term rentals are a prominent issue today, this challenge is not a new one for local leaders. There are often difficulties that come with maximizing economic growth while protecting community interests. Mayors, councilmembers and other local elected officials are well-equipped to help bring stakeholders together to understand and navigate potential trade-offs.

Local leaders have an incredibly important role to play in capitalizing on the benefits of short-term rentals and minimizing potential negative impacts. I hope this resource will help your community make decisions about short-term rentals that are best for your residents.

Clarence E. Anthony
CEO AND EXECUTIVE DIRECTOR
National League of Cities



Introduction

THE RAPID GROWTH of short-term rentals in cities, towns and villages across the U.S. has caused much controversy. From contentious City Hall meetings where residents advocate for more stringent or more relaxed regulations to lengthy and expensive legal battles between cities and short-term rental platforms, cities can get caught in the cross-hairs of a complicated policy issue. Short-term rentals present no shortage of challenges for local leaders, as they can affect housing availability and affordability, local tourism and economic development, neighborhood wellbeing, and health and safety. However, many cities have learned important lessons in navigating these complex issues and offer some best practices for others to learn from.

Regulation of short-term rentals has proven to be an important and effective tool in making short-term rentals work for all parts of the community. Regulations that define what short-term rentals are and have appropriate mechanisms in place should intervention be necessary have helped city leaders steer the conversation toward solutions and meeting community needs. The purpose of regulating short-term rentals is not to be overly punitive or to prohibit them, but to put safeguards and appropriate enforcement mechanisms in place for when problems arise.

This Action Guide will not settle debates about the specific impacts of short-term rentals on each community. Instead, it aims to equip local leaders with appropriate information and tools to adopt or amend ordinances that serve their community best: policies that are equitable, that protect municipal interests such as health and safety and housing affordability, that preserve the residential quality of neighborhoods, and that enable responsible and eligible residents to earn some additional income.

Defining Short-Term Rentals

What is a Short-Term Rental?

In general, short-term rental (STR) refers to an activity in which one party, the "host," agrees to rent out all or part of a home to another party, the "guest," on a temporary, time-limited basis. The precise legal definition of a short-term rental varies by community. Most short-term rental ordinances include details on the following types of provisions that define short-term rentals for a particular community.

LOCATION AND USE:

Where and how many short-term rentals are allowed

TIMING:

How long short-term rentals can be rented for

MANNER OF RENTAL:

Additional requirements for hosts and guests

What Can Communities Regulate?

Regulations vary, depending on the needs of the locality issuing them. In a community where vacant properties are a problem, regulations might focus on upkeep and oversight. In a community where housing stock is scarce, regulations might be put in place to limit the number of properties lost to residential rentals.

Generally, however, regulations include some combination of the following provisions:

PROVISIONS	DETAILS
LOCATION AND USE	<p>Geographic limits: Cities can decide to limit the availability of STRs in specific areas of cities, such as particular residential areas or neighborhoods with specific historic character.</p> <p>Commercial-residential distinctions: Cities can establish different rules for properties in residential and commercial areas to account for the different interests of communities in each of these areas.</p>
TIMING	<p>Primary residence requirements: Cities can require that the STR is occupied by the host for most of the year, and/or that the rental is in or part of the owner's primary residence.</p> <p>Day limits: Cities can include provisions capping the number of days per year that hosts can rent their STR.</p>
MANNER OF RENTAL	<p>Registration and licensing: Cities can require hosts to register their properties with the city and can require rental platforms (e.g., Airbnb, Vrbo, etc.) to ensure that properties listed on their sites are properly registered.</p> <p>Taxes: Cities can require that hosts pay transient occupancy taxes, which are taxes on what guests pay for temporary lodging in the city and are usually collected and remitted by hotels, motels and similar businesses. Cities can also work with STR platforms and other third-party providers to minimize the burden of tax remittance.</p> <p>Occupancy limits: Cities can limit the number of guests per stay, usually by establishing a guests-per-bedroom or per-property cap.</p> <p>Health and safety regulations: Cities can require STRs to have fire safety equipment and carbon monoxide detectors, display emergency information for guests, adopt measures to maintain a sanitary residence, and adopt plans for emergencies, among other requirements.</p> <p>Noise and event regulations: Cities can restrict the use of STRs for large gatherings and events, and they may explicitly require that guests comply with existing noise, trash and parking ordinances.</p>



The Issue

Short-term rentals are not a new concept. Companies like Vrbo, HomeAway, Couchsurfing and Craigslist have offered consumers short-term rental options since the late 1990s without much controversy.¹ The meteoric growth of the short-term rental industry in the 2010s changed that. Companies like Airbnb, Vrbo, HomeAway and FlipKey grew in popularity while consumer appetite for more original, authentic and local experiences increased, driving demand higher.

As short-term rentals become more accessible to both hosts and users, use skyrocketed over a short period. But the meteoric success of short-term rental platforms has not been welcomed unreservedly. Common complaints are that short-term rentals can drive up local rents, limit the availability of long-term residential rentals, attract an influx of tourists and create excessive noise.²

Local leaders attempting to chart the pathway forward for short-term rentals in their communities must respond to many competing interests, making passing regulations and balancing those interests difficult. Some of these issues that must be considered include:

Housing

The research is divided on whether short-term rentals contribute to the housing crisis. Regardless of whether the exact impact on the housing market is measurable, it is undeniable that many cities in the U.S. face a housing crisis – due to a shortage of affordable housing, steady decline in federal investment in low-income housing, wage growth stagnation, etc. – and that short-term rentals may contribute to housing unaffordability and unavailability.

Tourism

Short-term rentals outside of the typical tourism areas in cities can be a boon to local economies, spreading dollars across the cities in ways that traditional lodging accommodations do not. On the other hand, cities with high tourism rates face a greater share of the negative impacts of short-term rentals in communities. In high-tourism communities, large numbers of whole home rentals can affect neighborhood cohesion, as they may stand empty for weeks at a time or experience high turnover in guests.

Preemption

Preemptive state laws can limit cities' ability to regulate short-term rentals. The impacts of preemptive laws can range from a complete inability to regulate, to restrictions on the kinds of regulations that can be imposed.

Public Health and Safety

Poorly regulated and unsupervised short-term rentals can threaten the safety of neighborhoods for residents and guests alike. Party houses have become a significant point of contention in some communities. Guests may ignore or be unaware of noise, trash and parking ordinances.

For myriad reasons – both within and outside of city control – cities may find it difficult to enforce the regulations they do have. Some ordinances are difficult for hosts and residents to understand and difficult for the city to enforce because they are overly complicated or poorly publicized. In other instances, cities may have no systematic way to identify hosts who are not in compliance or to keep track of what properties are being used for short-term rentals, and when. Understanding the most common barriers to effective regulation – unclear rules and lack of data – is key to making sound policy choices. Despite the limitations and challenges that city leaders face, local leaders can pass regulations that effectively balance competing interests, fit community needs, and most critically, are enforceable.

Recommendations: Short-Term Rental Regulations

This Action Guide will help local leaders break down the process of developing a short-term rental ordinance, provide relevant city examples and identify key tips. The following recommendations are a menu of policy principles and good practices that cities should explore when establishing or updating their regulations, based on research into short-term rental ordinances and policies across the country.

THE NATIONAL LEAGUE of Cities analyzed 60 short-term rental ordinances to inform this report across 30 indicators, including the legal definition of short-term rentals, regulations and enforcement. At least one city, town or village was selected in each state, with two cities, towns or villages selected for the top ten states by population (California, Texas, Florida, New York, Pennsylvania, Illinois, Ohio, Georgia, North Carolina and Michigan) to ensure that a diversity of local context was represented in the analysis.

The recommendation sections (Understand the Landscape, Develop and Pass Regulations, Enforcement, and Revisit and Adapt) are meant to build off each other and should therefore be executed in chronological order. They are detailed in the section below.



UNDERSTAND THE LANDSCAPE

Before passing regulations, understand the local short-term rental landscape. This should involve extensive information gathering and thorough engagement with relevant stakeholders. Be mindful of what issues are associated with short-term rentals in your community to determine the goals your policy should meet.

GATHER DATA

While anecdotes are powerful, they are not a proxy for actual data to estimate the number and location of short-term rentals operating in a community. In some cases, data may be available through third-party platforms such as Inside Airbnb or AirDNA. Knowing approximately how many units may be on the market is critical to understanding the scope of the issue.



KEY DATA POINTS INCLUDE:

- How many short-term rentals are operating in your community?
- What is the breakdown between hosted room rentals vs. whole home rentals?
- Where are short-term rentals operating in your community?
- What neighborhoods are most affected?
- What is the average daily price of short-term rentals vs. hotels?
- What is the occupancy rate of short-term rentals vs. hotels?
- How much revenue are short-term rental properties generating vs. hotels?

Additional data sources that can help supplement short-term rental-specific data to develop a comprehensive picture of the local landscape can include tourism, housing and complaint data. Connect with local tourism boards to gather information such as how much money visitors are spending, where visitors are spending their money, where they are staying, where they are spending their time and how long they are staying. Leverage data sources such as the American Community Survey to understand the breakdown in renter vs. homeownership

rates, vacancy rates and demographic information in different neighborhoods to contextualize short-term rentals in the broader housing landscape. Records of noise and nuisance complaints (e.g., through 311 calls or similar complaint or service request software) can also help cities understand where these complaints are filed and what they are.

ENGAGE A DIVERSE GROUP OF STAKEHOLDERS

Engage a network of stakeholders, including but not limited to tenants, landlords/homeowners, hotel and motel industry representatives, neighborhood organizations, housing advocates, tourism agencies and short-term rental platforms. This mix will look different for each city, but identifying relevant stakeholders will be key to understanding the challenges and opportunities each city faces.

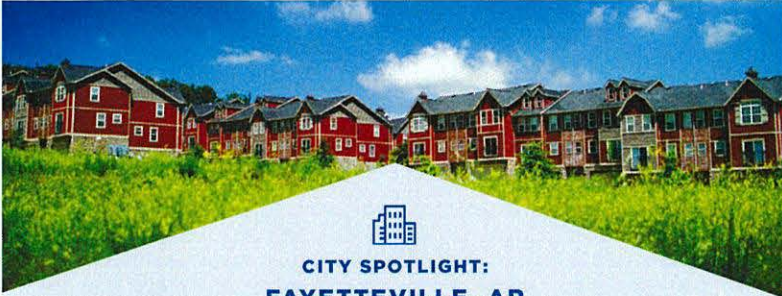
Hold virtual or in-person town hall meetings, drop in on various group meetings (e.g., landlord associations, property owner groups, neighborhood associations, etc.) and solicit comments from members of the public to gauge the perceptions of short-term rentals directly from community members. Cities can, for example, work with neighborhood associations to map areas especially strained by short-term rentals or tourism. Residents have the closest ear to the ground. City leaders should leverage this knowledge to their advantage.

Cities have a lot to gain by partnering with platforms, but the relationship-building process can be contentious at times. These relationships are more likely to be positive when cities come to the discussion table with a clear goal in mind and communicate it with the platforms.



POTENTIAL STAKEHOLDERS INCLUDE:

- | | | |
|--------------------------------------|---|---|
| Motel and lodge union or association | Restaurant associations | Platforms (e.g., Airbnb, Expedia, etc.) |
| Hotels or hotel union or association | City Council | Neighborhood associations |
| Realtor groups or associations | Local planning groups and organizations | Housing advocates |
| | Existing short-term rental operators | Tourism agencies |

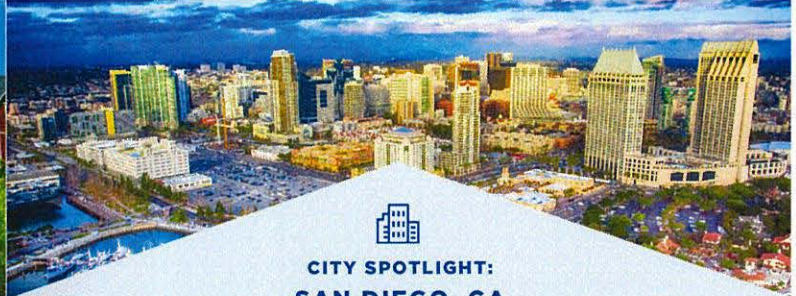


CITY SPOTLIGHT: FAYETTEVILLE, AR

In 2018, the City of Fayetteville's Sustainability Department worked with the University of Arkansas' Public Policy Department to explore short-term rentals. The students leveraged data sources such as AirDNA to gather the following information:

- Active rentals
- Average booked properties
- Occupancy rate
- Average booking rate per night
- Average Airbnb private room price (Fayetteville)
- Average hotel room price (Fayetteville)
- Average Airbnb private room price (Downtown Fayetteville)
- Average hotel room price (Downtown Fayetteville)²

Based on this information, the students generated maps of short-term rental locations in the Fayetteville area, noting a large concentration of Airbnb rentals in the downtown area. This analysis was presented to city staff and elected officials in December 2018 to inform their discussion on short-term rentals in Fayetteville.



CITY SPOTLIGHT: SAN DIEGO, CA

While drafting its short-term rental ordinance, the City of San Diego engaged a wide variety of stakeholders including:

- Unite Here, a union for motel/lodges
- Neighborhood groups
- Hotel stakeholders, including the hotel/motel association
- Realtor groups and associations
- The restaurant association
- City Council
- Local planning boards and organizations
- Pre-existing STR operators
- Expedia Group and Airbnb

A staff member from the San Diego City Council conducted meetings with the stakeholders. The meeting format and length varied. The city representative sometimes met stakeholders individually or invited them to speak at public meetings. Those interested in engaging longer-term were invited to a permanent stakeholder group. The stakeholder group continues to provide input on short-term rental regulation implementation.

Compromise was eventually reached, most notably in the form of a memorandum of understanding (MOU) between Unite Here and Expedia Group. Through the MOU, these two major stakeholders with different perspectives agreed to partner to help regulate the short-term rental market. The MOU also laid the foundation for the regulations that the city would push forward when engaging with other stakeholder groups. Following this engagement process, the ordinance was presented to the public, Planning Commission, mayor and Coastal Commission. The city found that putting the time in to build relationships and establish trust between the municipality and short-term rental platforms was essential to the ordinance's success. Further, going into the process with a clear goal, while being mindful of what compromises could be made, allowed the city to achieve buy-in from a diversity of stakeholders.

IDENTIFY POLICY GOAL(S)

Develop a clear and concise policy goal for the short-term rental ordinance, driven by the city's overarching goals and community input. Review strategic city plans (e.g., comprehensive housing plans, 5- and 10-year city visions, master plans) and identify top city priorities that may dovetail with priorities for short-term rentals. For example, a city may have a broader goal to advance housing affordability and may choose to focus on preserving the stock of affordable housing as a policy goal. Or a city may have the broader goal to attract more tourism and choose to focus its regulations on enabling short-term rentals with appropriate guardrails in place as the tourism industry continues to grow.

Cities should be intentional about setting a goal or priority before drafting regulations. Without a clear "end goal," cities can pass regulations that may not align with community priorities, and do not have effective mechanisms to accomplish them. By deciding on a policy and community goal, cities can craft a simpler and more targeted ordinance.

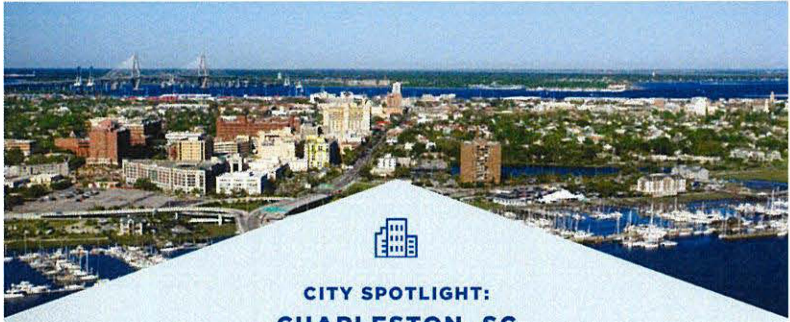
Common goals, based on NLC's analysis of 60 cities, include:

- Prevent the loss of rental housing stock
- Support tourism in a balanced way
- Combat displacement
- Preserve the residential quality of neighborhoods
- Ensure health and safety for guests and residents
- Balance the needs and rights of property owners and neighbors
- Allow economic gain for residents
- Capture tax revenue
- Slow or prevent the overgrowth of STRs



KEY CONSIDERATION

Balance competing expectations. By their nature, short-term rentals can be a contentious issue, with strongly vested interests on all sides. Each stakeholder will have to make concessions from their vision of "ideal" regulations, so helping the community and STR platforms understand that compromise is needed is critical to setting realistic expectations. Having a clear policy goal will also help coalesce stakeholders around the city's broader vision and help justify policy choices.



**CITY SPOTLIGHT:
CHARLESTON, SC**

The City of Charleston began regulating short-term rentals in 2012, when it adopted regulations that allowed commercially zoned properties to be rented as short-term rentals in the Cannonborough Elliotborough neighborhood. The goal of the regulation was to bring reinvestment into vacant, abandoned and distressed properties in the neighborhood. In subsequent years, the city saw an increase in the number of short-term rental units in Cannonborough Elliotborough and throughout Charleston. With a growing number of short-term rentals and an incoming mayor interested in revisiting short-term rental regulations, the policy moved to the forefront of Charleston's agenda again.

In 2016, the mayor and City Council began the process of updating short-term rental regulations by appointing a committee of local citizens to study and provide recommendations on short-term rentals. The committee included residents, representatives of the city's preservation and historical societies, and tourism interests. Over time, a consensus was built around the goal to preserve the historic nature of downtown Charleston and allow short-term rentals to contribute to the local tourism economy, but only in such a way that did not alter the character of the city and negatively affect residents' quality of life.

Based on this consensus, the city developed a category-based short-term rental permitting system that requires most short-term rentals to be owner-occupied, and details additional requirements for properties located in downtown Charleston or in properties listed with the National Register of Historic Places.

NATIONAL LEAGUE OF CITIES 19

DEVELOP AND PASS REGULATIONS

As the short-term rental industry continues to mature, it has become clear that complex regulations are not only cumbersome for hosts and residents of the city but are also unenforceable. Policies with clear goals, fair implementation and mechanisms for enforcement will help everyone.

APPLY A RACIAL EQUITY LENS

One of the most commonly cited benefits of short-term rentals is that they allow hosts to generate extra income from existing assets. While this may be true, hosting is most commonly available to those who own a home. Homeownership is inseparable from race and inequality in America. According to the latest estimates from the U.S. Census Bureau, the homeownership gap between White and Black households was 30 percent in 2020.⁴ According to NLC's ordinance analysis, only 38 percent of cities surveyed specifically allowed tenants to host a short-term rental. Even then, cities that do explicitly state that tenants are allowed to host require them to acquire written consent from their landlords or have a rental contract that allows them to sublet their unit. Tenants face a high barrier to host even in the minority of cities that allow them to.

38%
Of cities surveyed specifically allowed tenants to host a short-term rental.

The ability of short-term rentals to democratize the tourism industry is overstated when a majority of Black, Indigenous and People of Color (BIPOC) do not have access to homeownership. Given the divide in homeownership in America, the direct economic benefit of short-term rentals may exacerbate existing inequality. There is also evidence that hosts may discriminate based on race and ethnicity. A 2017 study of Airbnb data found that "applications from guests with distinctively African-American names are 16 percent less likely to be accepted relative to identical guests with distinctively White names."⁵ Airbnb has since made moves to fight bias and discrimination, including changing when guest pictures are shown to a host in the booking process.⁶ The city of Columbus, OH, passed a discrimination clause in its ordinance stipulating that a host shall not decline a potential guest, impose different terms or conditions, or discourage or indicate a preference for or against a guest based on race, gender, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status.⁷



KEY CONSIDERATION

Recognize the role that short-term rentals play in exacerbating housing unaffordability. Consider dedicating some portion of STR permit or tax revenue towards affordable housing funds or homeownership opportunities, or earmarking general fund dollars for similar programs. Boulder, CO stipulates in its ordinance that "after administration expenses are met, any additional funds shall be placed in the city's affordable housing fund."⁸

PASS REGULATIONS EARLY

The short-term rental industry is rapidly growing. **Given the complexity of the policy and regulatory space, be proactive and establish regulations before short-term rentals have a negative impact on the community.** Establishing regulations gives cities the power to intervene when necessary. It is much easier to limit the spread of short-term rentals before they have proliferated than it is to retroactively remove them from the market. Establishing regulations also becomes increasingly controversial as more stakeholders have a vested interest in seeing them maintained. Even cities that have not yet faced the negative impacts of short-term rentals should pass regulations to regulate the STR market before they proliferate.



KEY CONSIDERATION

A common hurdle that cities face is what to do with pre-existing short-term rentals once a new ordinance is passed. In 58 percent of the cities reviewed in the NLC ordinance analysis, cities required existing hosts to comply with regulations or apply for a permit or license. Cities must communicate early and clearly with existing hosts about their responsibilities under a newly passed or revised ordinance to give them time to meet new regulations.

CRAFT SIMPLE REGULATIONS

Craft simple ordinances that are clear about policy goals. This will better equip leaders to engage in conversation with platforms, residents, property owners and other stakeholders invested in the ordinance outcome. Below is a list of common goals found in the ordinance analysis, and key ordinance elements to achieve those goals.

Policy Levers to Pull to Achieve Common Policy Goals

POLICY GOAL	POLICY LEVERS
<p>PREVENT THE LOSS OF RENTAL HOUSING Prevent long-term rental properties from being converted to short-term rentals</p>	<p>Adopt a permit requirement and institute a host residency requirement, which should prevent homeowners from renting properties solely as short-term rentals and prevent properties from being purchased for the sole purpose of operating as short-term rentals</p>
<p>SLOW OR PREVENT THE OVERGROWTH OF STRS Prevent residential neighborhoods from being "overtaken" by guests to the detriment of the neighborhood and residential feel of a neighborhood</p>	<p>Adopt a permit requirement and set a specific quota (number or percentage) on the number of short-term rental permits that will be distributed in a particular geographic area (e.g., neighborhood, census tract, ZIP code, etc.).</p>
<p>COMBAT DISPLACEMENT The presence of short-term rentals can be particularly contentious in certain neighborhoods (e.g., neighborhoods that are experiencing displacement)</p>	<p>Adopt a permit requirement and set a quota on the number of short-term rentals that are allowed to operate in a specific zoning district or neighborhood, particularly areas of the city that are at risk of, or are currently experiencing displacement pressure. Beware that such quotas can limit existing low-income homeowners' ability to earn revenues from their homes. Therefore, consider how to equitably distribute permits</p> <p>Consider dedicating some revenue generated from permit fees or taxes to affordable housing or home-ownership programs. Explicitly restrict affordable housing units from being rented out as short-term rentals</p>
<p>PRESERVE THE RESIDENTIAL QUALITY OF NEIGHBORHOODS Limit problem properties such as party houses or houses with complaints.</p>	<p>Adopt a permit requirement and include a limit to the number of people that can stay in a short-term rental. This limit can be tied to the number of bedrooms in a short-term rental, or a total cap on the number that can stay in any type of property. A common limit that cities institute is two adults per bedroom.</p> <p>Require that short-term rental hosts provide their guests with a "Good Neighbor Guide" that summarizes all ordinances that guests are required to comply with during their stay (e.g., noise, trash, parking, etc.).</p> <p>Set restrictions on the number or percentage of short-term rentals that are allowed to operate in a particular neighborhood (or other geographic areas, such as census tract, ZIP code, etc.)</p>
<p>BALANCE THE NEEDS AND RIGHTS OF PROPERTY OWNERS AND NEIGHBORS While lawful hosts have the right to rent their properties out, they should not infringe on the rights of neighbors. Enable hosts to rent out their homes while also ensuring that residents know where and how to file a complaint</p>	<p>Adopt a permit requirement and establish a process for revoking permits from properties in violation, such as a "three strikes" rule. If three verified complaints are filed within a certain time, the city can revoke a host's permit.</p> <p>Establish a 24/7 hotline that residents can phone to report non-emergencies without calling the local police department or law enforcement. Require short-term rental permit hosts to list a local contact who can be reached should an issue arise¹⁰</p>

POLICY GOAL	POLICY LEVERS
<p>ENSURE HEALTH AND SAFETY OF GUESTS AND RESIDENTS Ensure the safety of guests and residents, including minimizing public safety risks and noise and trash complaints.</p>	<p>Adopt a permit requirement that requires each listing to include a local contact who can be reached at any time. Use this emergency contact if a complaint is filed. Stipulate that if the registered contact is not responsive, the host's permit risks being terminated.</p> <p>Institute a permanent residency requirement. City leaders report that most complaints come from non-owner-occupied units. Hosts may be more invested in their property if they, too, call it home.</p> <p>Require that short-term rental hosts provide their guests with a "Good Neighbor Guide" that summarizes all ordinances that guests are required to comply with during their stay (e.g., noise, trash, parking, etc.).</p> <p>Require an inspection, or, if the city cannot carry out inspections, stipulate that the city has the right to inspect a property should sufficient suspicion arise that the property is not up to code.</p> <p>Institute a process for revoking permits from properties in violation, such as a "three strikes" rule. If three verified complaints are filed within a certain time, the city can revoke a host's permit.</p>
<p>CAPTURING TAX REVENUE Ensure that revenue is being collected</p>	<p>Adopt a permit requirement that will make it easier to identify whether hosts are complying and paying the appropriate taxes. Use permit and tax revenue to either hire additional staff or a third-party provider to help monitor compliance.</p> <p>Reach an agreement with platforms that requires them to automatically collect and remit taxes back to the city. Be wary of the transparency of the tax remittance process and ensure that the city's enforcement powers are not stifled.</p>
<p>SUPPORT TOURISM IN A BALANCED WAY Tourism is a key component to many local economies and short-term rentals can play a role in facilitating tourism without impacting residents if done in a balanced way.</p>	<p>Adopt a permit requirement and set an annual permit reapplication. Make clear that applications can be denied if regulations change. Adopting a formal permit requirement will not deter hosts from participating, so long as the permitting process is not overly cumbersome. Ensure the permit fees are reasonable and tied to the cost of administering the permit program.</p>
<p>ALLOW FOR ECONOMIC GAIN FOR RESIDENTS Short-term rentals can support wealth building for community members, although city leaders must pay attention to who is eligible to host.</p>	<p>Adopt a permit requirement. The permit system should be simple and easy to navigate, particularly if the city is trying to encourage more permanent residents to host on a part-time basis. If the administrative burden is too high, few will be willing to put in the effort.</p>



INSTITUTE A PERMIT REQUIREMENT

Enforceable short-term rental ordinances require owners who want to host short-term rentals to acquire a permit before renting. In general, a permit requirement allows local governments to create and maintain a database of units and contact information for properties that are operating as short-term rentals. **The information provided in an application is key to enforcing the ordinance, allowing the city to have a point of contact to check in with when a property is not in compliance.**¹⁰ Without information on who is operating short-term rentals, cities are effectively rendered helpless in enforcing their regulations. Having an active database of short-term rentals in operation is key to moving from a reactive to a proactive approach to enforcement.

To ensure that hosts are acquiring permits, the city must have a mechanism to check to ensure compliance. Some cities, like San Francisco, have negotiated agreements with platforms that require the platform to put a permit number on the host listing.¹¹ In other cases, cities have hired third-party platforms to aid their enforcement efforts. The City of Nashville, TN, uses Granicus's Host Compliance, a short-term rental compliance monitoring platform, to support enforcement efforts. According to Nashville officials, the Code Department was struggling to enforce its regulations when they were relying on a complaint-based process. The city was manually identifying STR addresses. With more than 60 active rental websites and private addresses and contact information, it proved to be too herculean an effort to maintain. Host Compliance's online portal enables the city to identify illegal operators before there is a complaint, moving from reactive to proactive enforcement. Since implementing Host Compliance, Nashville has more than doubled its compliance rate to 91 percent.¹²

KEY CONSIDERATION

Without a clear and streamlined application or licensing process, applications may backlog. This leads to an unhappy and distrustful community and may encourage illegal rentals to operate while they are in the process of being considered for a permit. In some cases, operators will purposely and continuously file for permits and operate while under consideration.

Always tie the permit to the person, not the parcel. This will allow for natural attrition over time (e.g., someone sells their home, and the new owner must reapply for a short-term rental permit).

DETERMINE FINES AND FEES

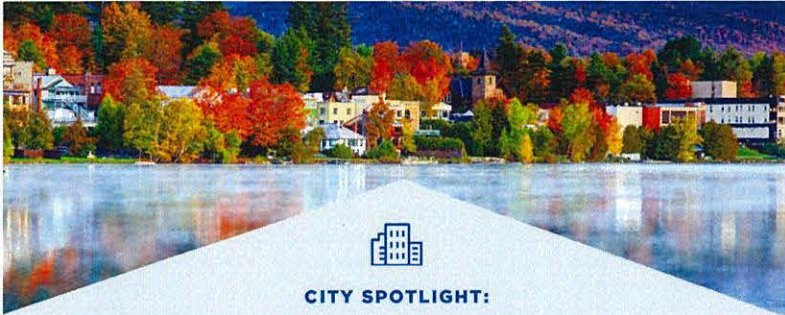
Many cities adopt fine structures to incentivize compliance by short-term rental hosts. According to NLC's analysis, fines range from \$200 a day to \$2,000 per violation, which may escalate each day. Beyond deciding the fine structure, cities must have adequate staff and resources to identify hosts who are not in compliance and communicate to hosts how to stay in compliance and avoid violations.

Fines should be proportionate to or more than the economic gains that potential violators can realize from breaking the rules, and should escalate for repeat violators, including the threat of revocation of a permit or license. Host Compliance offers the following fines and fees schedule for cities to consider:

Example Fine Schedule

	1 st violation	2 nd violation	3 rd violation	4 th violation
Fine for advertising a property for short-term rent (online or offline) without first having obtained a permit or complying with local listing requirements	\$200 per day	\$400 per day	\$650 per day	Upon the fourth or subsequent violation in any twenty-four month period, the local government may suspend or revoke any permit. The suspension or revocation can be appealed.
Fine for violating any other requirements of the local government's short-term rental regulation	\$250 per day	\$500 per day	\$750 per day	
Notes:				
a. Any person found to be in violation of this regulation in a civil case brought by a law enforcement agency shall be ordered to reimburse the local government and other participating law enforcement agencies their full investigative costs, pay all back owed taxes, and remit all illegally obtained short-term rental revenue proceeds to the local government.				
b. Any unpaid fine will be subject to interest from the date on which the fine became due and payable to the local government until the date of payment.				
c. The remedies provided for in this fine schedule are in addition to, and not in lieu of, all other legal remedies, criminal or civil, which may be pursued by the local government to address any violation or other public nuisance.				

Source: Host Compliance



CITY SPOTLIGHT: LAKE PLACID, NY

The Village of Lake Placid collaborated with its justice court to define a short-term rental fine structure based on other successful cases. Lake Placid's short-term rental fines range from \$350 to \$1,000 for the first violation plus the costs that the village has incurred for enforcement (e.g., staff time and attorney fees). Each week that the violation is not remedied constitutes a separate offense. The second violation that occurs within five years will incur a fine of between \$1,000 and \$3,000. Short-term rental violations can be appealed within 30 days to the joint Town of North Elba/Village of Lake Placid Short-Term Rental Appeals Board by either the short-term rental property owner or the complainant.¹⁴ In most cases, hosts do not intentionally violate regulations, and disputes are often settled without the host incurring a fine.

ESTABLISH A CLEAR TAXING MODEL

Be mindful that there are multiple ways to capture revenue. In most cases, the owner/host is responsible for remitting taxes back to the city; however, several cities are trying to move the collection burden from hosts to the platforms. According to NLC's analysis, 82 percent of surveyed cities require the host to remit taxes directly to the city, while just 5 percent require the platform to collect and remit taxes on their behalf.

82%
of cities require the host to remit taxes directly to the city, while 5 percent require the platform to collect and remit taxes of hosts behalf.

Cities like Annapolis, MD, and Charleston, SC, require platforms to remit taxes back to the city on behalf of hosts, automatically collecting tax revenue from a booking when it is made. While it may be easier for cities to require platforms to remit taxes, beware that there is some ongoing controversy around whether cities get back all the taxes they are owed. Several cities in South Carolina, including Charleston, are suing platforms, alleging that they are not remitting full taxes.¹⁴

In addition to the transient occupancy tax, some city councils may add an additional tax or surcharge on short-term rentals. For example, Chicago, IL, passed a 4 percent surcharge in 2016 and another 2 percent surcharge in 2018.¹⁵ The surcharge funds supportive homelessness services and enforcement of the ordinance.¹⁶



KEY CONSIDERATION

Be mindful of how difficult it may be for hosts to remit taxes to the city. If a host has to remit taxes directly, consider how to make that process as simple and streamlined as possible. This not only makes it easier for hosts but ensures that the city is capturing more of the tax revenue it is owed. Include clear and concise instructions on how to remit taxes on the city's webpage and a user-friendly platform to make payments. Consider sending notifications to all short-term rental hosts about upcoming tax payments.



NEGOTIATE AN AGREEMENT WITH PLATFORMS

Cities have had varying success in building helpful agreements with platforms. Cities have a lot to gain by partnering with platforms; however, the relationship-building process can be contentious at times. These relationships are more likely to be positive when cities come to the discussion table with a clear goal in mind and communicate it with platforms. Cities may have the opportunity to negotiate agreements with platforms, such as voluntary collection agreements (VCAs) or memorandums of understanding (MOUs).

Voluntary Collection Agreements

A Voluntary Collection Agreement (VCA) typically involves a short-term rental platform agreeing to collect and remit transient occupancy taxes on behalf of its hosts. Agreements generally allow local governments to audit the platform, rather than the operator, but do not allow local governments to access information that could identify operators outside of the terms of the agreement.

Many short-term rental platforms have agreements with local governments. As of March 2019, Airbnb had more than 350 VCAs with state and local governments in the U.S.¹⁷ While VCAs allows local governments to receive a steady stream of transient occupancy taxes, officials in several states have expressed concerns that these agreements allow platforms to remit less to governments than they owe, a problem compounded by VCA provisions that hinder tax authorities' ability to audit platforms.¹⁸ See the Appendix for more information on VCAs.

Voluntary Collection Agreement (VCA): A VCA typically involves a short-term rental platform agreeing to collect and remit transient occupancy taxes on behalf of its hosts.

Memorandum of Understanding

A memorandum of understanding (MOU) typically focuses on issues such as disclosing data, posting property registration numbers and removing illegal listings. Be aware that an MOU can include provisions that limit cities' enforcement power or create additional duties for cities. For example, in its draft MOU with the City of Denver, Airbnb included provisions that would have made the MOU confidential and require the city to resort to arbitration to resolve disputes. Together, these provisions would have limited transparency and hampered the city's ability to use the courts for its enforcement actions. Denver rejected the draft.¹⁹

MOUs may create additional duties for cities, such as when an MOU requires a platform to take down listings for unregistered properties but places the burden on cities to inform the platform about suspicious properties — a resource-intensive task. Cities may attempt to shift some of these burdens onto the platform. In one settlement with New York City, Airbnb agreed to automatically provide information for certain listings that met specific criteria.²⁰ In the City of Portland, OR's MOU with Airbnb, the two parties share duties: Airbnb is responsible for regularly reporting data about hosts and properties, and Portland is responsible for using the information it receives to verify that hosts have properly registered.²¹

Memorandum of Understanding (MOU): A MOU typically focuses on issues such as disclosing data, posting property registration numbers and removing illegal listings.



KEY CONSIDERATION

Approach negotiated agreements well informed and with a clear policy goal in mind. Because VCAs and MOUs tend to be offered with standard language and provisions that benefit platforms and hinder city oversight efforts, cities should be prepared to analyze the agreements and decide whether and how to negotiate more favorable conditions.

ENFORCEMENT


The purpose of regulations should not just be to capture additional revenue but to minimize and mitigate the negative side effects associated with the uncontrolled growth of short-term rentals. Cities need to move away from reactive to proactive enforcement when possible. Effective enforcement is key to an ordinance's success. Without regulations that clearly define what a short-term rental is, a database of units being operated, and contact information for those units, cities are effectively rendered helpless in enforcing their regulations.


DEDICATE RESOURCES TO ENFORCEMENT

Dedicated resources, time, staff and money are necessary for successful enforcement. Short-term rental regulation enforcement can be revenue neutral or positive for municipalities when license, permit and tax revenue offsets costs.²² In some cases, cities can also leverage existing resources such as 311 service to take in short-term rental complaints.

Some examples of key enforcement components that require dedicated resources include:

- Hiring additional code enforcement officers to identify and flag repeat offenders
- Hiring a third-party platform to help with data collection and enforcement
- Hiring a web developer to create a "one-stop-shop" website for STR hosts and residents
- Hiring additional staff to set up and service a complaint hotline
- Instituting (re)inspections for violating properties




**CITY SPOTLIGHT:
COLUMBUS, OH**

The most recent ordinance amendment in the City of Columbus allows the licensing department to deny, revoke or suspend a permit if there are three or more emergency calls made on a specific property in the previous 12 months (i.e., "three-call rule"). To help facilitate this system, the city's technology department created an internal database that connects the 311 service with the city's computer-aided dispatch software to allow enforcement to search the address on the map and know what type of emergency service was requested. City staff reference this database when an application is made or when a complaint about a property is filed. This allows the city to identify properties that have violated the ordinance or have passed the "three-call rule."

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ENSURE EXTENSIVE COMMUNICATION AND MARKETING

Transparent and clear communication and marketing are critical to the success of an ordinance. Clear communication will support the ordinance's success (e.g., hosts, guests and residents know what the rules and regulations are) and is key to preventing community backlash when an ordinance is established or revisited.

Consistent contact with landlord associations and property owner groups allows the city to convey to hosts how to remain in compliance. This may be an opportunity to develop relationships with trusted voices in key groups who can serve as a liaison with the broader community and as a spokesperson for good hosting etiquette.

Regular contact with residents means that cities can convey the best way to file nuisance and safety complaints should there be a violation at a short-term rental. This helps communities feel like they have a trusted partner in the city to ensure community safety.



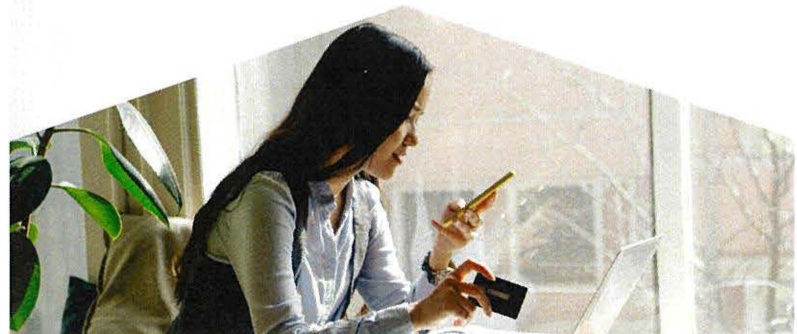
KEY CONSIDERATION

Consider hiring or assigning specific city staff to be liaisons with the community. Doing so may help establish trust among hosts, residents and the city, making room for more constructive conversations should something go awry. In addition, developing relationships with specific community members (e.g., hosts or residents) can help broaden the city's reach into the community. For example, hosts who have good relationships with the city can promote good hosting etiquette in the community.

MOVE REGISTRATION AND ADMINISTRATION SYSTEMS ONLINE

To the extent possible, cities should limit the administrative burden on city staff and platform users. Moving registration or licensing systems online (while keeping the paper application option open) makes the process more seamless for hosts and less cumbersome for city staff who process those applications.

Beyond moving the registration or licensing system online, consider launching a centralized, accessible and easy-to-use webpage with all relevant short-term rental information. One common complaint that cities receive is that short-term rental regulations are difficult to understand. In most cases, it is not that the regulations themselves are too complex, but that regulations are not transparent and explained in an accessible way. Launching a webpage that is regularly updated keeps the community informed. According to a recent 2022 report and survey from Rent Responsibly and the College of Charleston, 49 percent of surveyed short-term rental hosts got information from government websites about local regulations that affect short-term rentals.²¹ Furthermore, this webpage can serve as a resource for city staff who are not experts on short-term rentals but may be required to liaise with the public about them.






CITY SPOTLIGHT:
HENDERSON, NV

The City of Henderson set up an easily navigable webpage with information on short-term rentals, including application materials and answers to frequently asked questions.³⁴ This webpage serves as a “one-stop-shop” for hosts, residents and staff. The short-term rental webpage has the second-highest number of hits on the Henderson website.

On the webpage hosts can:

- Find the most up-to-date short-term rental ordinance and state laws that apply to short-term rentals
- Register their short-term rental
 - Find city contact information to support them through the registration process
 - Find clear lists on how to apply and what documents are needed
 - Find application forms that are easy to download or file online
- Renew their short-term rental registration
- Pay their transient lodging tax and fees
 - Find tax forms that are easy to download

On the webpage residents can:

- Find relevant short-term rental regulations, including the city ordinance and state laws that apply to short-term rentals
- Locate the complaint phone hotline to report any illegal short-term rental or to file noise, trash, parking, occupancy or other nuisance complaints
- Access the complaint website to submit a complaint online

REVISIT AND ADAPT

The short-term rental market is consistently in flux, meaning regulations may have to change to meet the market and evolving community needs. Regularly revisit your ordinance to ensure that it still has the right balance of competing expectations and alignment with city goals.

ESTABLISH A FEEDBACK LOOP

Particularly when first passing an ordinance, be intentional about setting metrics of success that align with policy goals. These qualitative and quantitative policy goal-aligned metrics will determine how performance is evaluated. Setting a dedicated evaluation period following the passage of a short-term rental ordinance will allow for better evaluation and help generate ideas of how to improve an ordinance. Make sure the public and the hosts understand that the regulation may change at the end of the evaluation period.

Build in a recurring check-in with relevant stakeholders to determine whether the short-term rental ordinance is meeting the city’s originally stated goal, and if not, what needs to be adjusted. This is where the feedback loop is particularly important. Keep an open line of communication with relevant stakeholders (e.g., landlord associations, property owners, residents, housing advocates, community groups, hotels, tourism agencies, etc.) to better understand how the implementation of the ordinance is playing out.

In Fayetteville, AR, the city authorizes a 20-month sunset clause in its ordinance, allowing city leaders to conduct regular review and reauthorization of the ordinance.³⁵ Some adjustments have been made following these regular review periods, including increasing the occupancy tax rate to better fund the cost of enforcement, adjusting the cap on the number of short-term rentals allowed in the community and requiring a unit inspection.



KEY CONSIDERATION

If there is a recurring evaluation period for the ordinance, tell the community early on. Transparency is key to making sure hosts and residents know that regulations may change in the future. This may limit the potential backlash of changing regulations after passing them.



Conclusion

SHORT-TERM RENTALS ARE here to stay and, when regulated with care and the proper safeguards in place, can be integrated into the fabric of a community. STRs can enhance tourism, stimulate economic growth in targeted neighborhoods and give residents a way to supplement their income, but can also exacerbate racial inequity, put pressures on affordable housing and disrupt neighborhoods. With proper regulation, cities can enjoy the benefits of STRs and limit their negative impacts.

Regulating short-term rentals is not about limiting their potential, but about enacting the appropriate mechanisms to keep competing priorities and interests balanced. As cities consider regulations to address short-term rentals in their communities, it is important that they act promptly, remain focused on a clear policy objective, consider racial equity, actively engage with relevant stakeholders, develop and enforce clear regulations, and provide continuous review of ordinances. The resources found in this Action Guide can help our communities find the proper balance to effectively support and regulate this growing industry.

Appendix

Voluntary Collection Agreements (VCAs)

	COMMON PROVISIONS	THINGS TO WATCH OUT FOR
COLLECTION AND REMITTANCE	Platforms agree to collect transient occupancy taxes from guests and remit the amount collected to the government taxing authority.	Without this provision, the platform may refuse to collect the tax, arguing that hosts are responsible for collection. Even with the provision, some platforms have been accused of under-delivering taxes remitted to cities.
REPORTING AGGREGATE INFORMATION	The platform agrees "reasonably to report aggregate information" related to its collection and remittance of transient occupancy taxes to the tax authority. Aggregate information includes the total amounts of receipts, exemptions, adjustments and so forth, but does not include individualized information for specific properties.	Aggregate information does not allow cities to gather individualized information on particular properties.
DETERMINING LIABILITY FOR TAXES	The platform agrees to be held legally responsible for failure to report, collect or remit the transient occupancy taxes, and the tax authority agrees not to hold individual hosts responsible for reporting, collecting or remitting taxes on their property.	
WAVIER OF LOOK-BACK	The tax authority agrees not to pursue any actions to recover unpaid taxes that had been due before the date the agreement went into effect.	If the city has not yet received payments from a large proportion of STRs, then waiving all claims on taxes owed before the VCA's implementation will result in the city potentially forfeiting a significant amount of tax revenue. On the other hand, a city may not have the capacity to go after back taxes, and be mostly concerned with collection of future taxes, making waiver of past tax liability a lower priority.
NOTIFICATION TO HOSTS AND RENTERS	The platform agrees to notify hosts and renters that it will be collecting and remitting transient occupancy taxes for their transactions.	

	COMMON PROVISIONS	THINGS TO WATCH OUT FOR
AUDITING	The tax authority agrees to audit the platform on the basis of its tax returns and supporting documentation, rather than on audits of individual renters or hosts. Some VCAs also state that the tax authority cannot audit individual renters or hosts until it has finished auditing the platform and a tax issue remains unresolved. All transaction and tax data reviewed by a city tax authority must be anonymized. If the city suspects wrongdoing on the part of a specific host, it must first audit the anonymous data, then pick out suspicious transactions, and then finally obtain a subpoena to get identifiable data from the platform. The tax authority agrees to limit the number of times it will audit the platform (e.g., to only audit the platform once every two years, and to only audit transactions conducted over a 12-month stretch.)	This may limit the tax authority's access to data and ability to audit individual hosts and affect city efforts to enforce home-sharing laws. Cities such as Culver City, CA, have negotiated alternative provisions ensuring that they can continue to audit individual hosts if they receive information about the property's violations from another source. ¹⁶ Anonymized data may mean that cities can only use aggregate information, which prevents cities from investigating individual cases of violation. For example, Snowmass, CO, states that it will audit "on an anonymous numbered account basis," suggesting that disaggregation is not required. ¹⁷ Cities can also suggest alternative kinds of privacy protection that allow for individualized reports, such as pseudonymizing information. VCAs typically provide that all information about hosts and guests will remain anonymous unless the city has completed an audit of the platform and served the platform with a subpoena or similar legal process. Cities may want to negotiate changes to this provision to allow them to ensure that properties are registered. For example, if cities have already passed ordinances requiring registration, their audits might request information about the registration number. Cities can negotiate limits on audit frequency to allow for more frequent and tailored enforcement efforts. For instance, the audit frequency in Pacific Grove, CA, is once every 36 months, although this period may still be too long for many cities to effectively audit home-sharing. It does indicate that VCAs' time provisions can vary. ¹⁸

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NLC NATIONAL
LEAGUE
OF CITIES

CITIES STRONG TOGETHER

Feb 12, 2023

Tillamook County STR Advisory Committee:

I am submitting my comments in regards to the extreme action you are considering with revisions to Ord 84. The far reaching "Anti STR" stance presented in Ord 84 draft is blaming and penalizing all STR property owners by further restricting property rights - this is not the answer.

Neskowin first and foremost is a resort community. It has been so and enjoyed for generations. Currently, a very small percentage of full time residents, who know doubt "vacationed" in Neskowin before moving full time are lobbying to keep Neskowin and the beaches to themselves and shut everyone else out much like a high end exclusive neighborhood where only "full time residents" are allowed.

In Oregon, the beaches are not just for those property owners that can afford their own beach house but for everyone regardless of their economic situation. The choice of STR homes provides an affordable means for families to enjoy the beach. Vacation rentals are a home, providing a kitchen, bedrooms & living space that's not just doable, but can be affordable for budget minded families so they are not excluded or denied this experience.

There will never be enough hotels to serve all those who want to come and enjoy the beach. That is why the support of the STRs with thoughtful regulations are critically important to provide the public with opportunities to visit, experience and enjoy the Oregon Coast. Not to mention all the industries and communities that depend on guests for their livelihood.

Grandfathering of Current Permit Holders:

All current permit holders have entered into a contract in good faith with Tillamook County and in doing so should be allowed to operate under the current Ordinance 84 as was agreed regardless of ordinance changes, Period.

5 Year Exemption

This is offensive and punitive on so many levels.

Transfer of Permits

I believe the ability to transfer the STR permit to a new owner if sold is critical. Individual property rights are as important to STR as a residential homeowner. Why if the home currently holds a permit should it not continue for a new owner should they choose? That would make no sense other than to penalize the new owner.

STR permits are tied to homes and not the owners. The home has already passed inspections, brought up to required standards so what difference does it make who owns the home? Current STR permits should remain valid & transferable and that right protected independent of future changes to any regulations. Economic instability is never a good thing for anyone.

Max Occupancy/Sleeping Area - should be determined and defined as actual sleeping areas which are bedrooms. Our 900 sq ft cottage has 2 bedrooms and 1 bath. We were granted a max occupancy of 6 guests approved by Tillamook County. We voluntarily reduced our max occupancy to 4 because 8

people are just too many for such a small property. Not only wear and tear on our cottage but too many people in one small space could be problematic.

Limiting the occupancy of the STR is important. No home should be occupied by more persons than the number of bedrooms will safely allow. Promoting non designated sleeping areas may overload the STR's potential for problems ranging from noise to parking, garbage accumulation.

Closets: In what world is this even an issue and why? This should not be a consideration at all to deny or permit a STR permit.

Parking:

I don't believe that an actual measurement of a parking space is effective – too many cars vary in length. It should simply be restricted to how many vehicles fit in the driveway.

Off street parking on adjacent properties should not be allowed to qualify STR parking spaces This is going to be a huge problem overseeing paperwork and enforcement of lease agreements between property owners. Lease agreements come and go – how would you ever continue to verify that an active lease was in place. Available parking on STR property should remain the same.

There should be no “on street” parking offered to STRs to qualify for their permit.

It should be restricted to the actual parking space available on the property of the STR which is common for most communities. I can only speak for Neskowin, but there is no designated on street parking. One is barely able to drive down the streets as is. In other communities on street parking is public parking. If on street parking were available, it may be occupied by the public and unavailable.

STR Limits:

I do not support drastic limits or a collection of new rules to solve problems which aren't solely caused by STRs in Neskowin. The general population of Oregon has gone up over 10% since 2010, so naturally it logically follows that the coast is seeing an increase in visitors as well. There is general agreement that Neskowin has seen a rise in traffic and visitors in recent years, but there are examples of poor behavior from all types of people including owners, family & friends of owners, day trippers, and STR guests alike.

Limits on annual nights rented, and proximity or distance limits between STRs do not appear warranted in a coastal market with such a high percentage of seasonal home owners (67% in 2019). Neskowin is not a traditional residential area and limits are not necessary to preserve balance. A 100 night annual limit could decimate off-season renting and 9 months of the year our overnight visitors may not be here supporting our handful of businesses through the slower seasons.

With regards to density, the cottages in the village are often spaced tightly together and any type of proximity or distance limit could mean that one STR may prevent many others from obtaining a permit as well, and that infringes upon one's property rights. One's ability to qualify for an STR permit should not be limited depending on whether one's neighbor has an STR permit.

Rental Limit: Rental days should not be limited to 100 days. This is penalizing every STR owner for the lack over over site by a few management cos or STR owners. Many people invest in STRs for addtl income, retirement planning or just the financial ability to own a home at the beach.

Likewise, family members who inherit a beloved family beach house may not have the financial ability to keep and maintain the property. If unable to rent due to restrictive limited rental days, they may be forced to sell and that is wrong.

Here is the proof: STRs in Neskowin have had no ordinance violations in 2022 as of Sept 8, 2022.

Percentage Cap:

I support a percentage cap on STR permits in Neskowin at a level of 35%-50%. The definition of balance is 50/50, and in consideration of Neskowin's long history as a seasonal vacation resort town for over 100 years, this range is appropriate. On the low end, 35% represents approximately half of the seasonally owned homes. There is already a natural ebb and flow of STR permits opening and closing through the years as families make varied choices about how they'd like to use their home. A percentage cap that is too low may lead to owners holding onto inactive permits for fear of losing their right to rent, thereby squeezing out owners who would like to actively rent their home.

Affordable Housing:

The constant discussing regarding the lack of affordable housing in Neskowin and that somehow STRs affect this issue is absolutely untrue. As a Realtor with over 15yrs experience and another 6 yrs prior as a lender, I can tell you the existence of STRs in a community do not effect the availability or pricing of the primary home residential market. They are two very different markets. STRs should not be penalized for escalating home prices or lack of "affordable housing". Home prices and rents are determined by a free market and that is based on location/supply and demand, its that simple.

A noticeable lack of housing started in 2007/2008. A fraudulent mortgage crisis contributed greatly to the shortage. Builders went out of business and skilled labor left the industry to find other jobs, we still have not recovered. A recent industry report indicated with current population growth and the loss of new homes, if today construction was at its pre 2007 level, it would take 20-30 years to meet current demand. This has led to record level home prices in every market, not just in Oregon but the entire country.

With escalating home prices, you then step into the STR market. They are almost always priced higher, both in rent and purchase price than the average primary residence in a typical neighborhood. This is because they are located in higher demand/lower inventory, desirable markets considered "resort ,vacation, destination" communities. Examples are Cannon Beach, Seaside, Sisters, Bend, Sunriver, Black Butte, Neskowin and most of the Oregon Coast.

If the opinion and goal is to force STRs, through restrictive county ordinances, into either long term rentals or back onto the market for purchase to ease the housing crisis and provide low income housing consider this:

STRs in these markets listed for sale would be sold for more than the average primary residence in an average neighborhood simply due to location, supply & demand. This is not going to alleviate the affordable housing concerns. Again, it is following a supply and demand market.

Monthly rental fees would follow the same market rules. In addition the Landlord/Tenant regulations have become so restrictive fewer people are choosing to be landlords. Again, this will not address housing concerns.

During COVID, the State of Oregon mandated that landlords allow tenants to live in their homes without collecting rent for over 2 years. During that time a landlord could not evict or sell those properties. Without any income, landlords had to pay for the water/garbage/elect service for those tenants along with insurance, mortgage and property taxes on their properties. Why would anyone think that a property owner would put themselves in this position again to be engaged in extensive and restrictive landlord/tenant laws and regulations not to mention another state mandate for free rent.

If an STR owner did choose to rent their property long term, they would no longer be able to use or enjoy their property for themselves or their families. That is one of the many benefits of owning an STR , along with having the freedom over their property.

The lack of housing for “mid level housing for doctors and teachers” who apparently could not find homes is another false statement. Research showed approx 118 homes that were sold in Neskowin alone from Jan 1st to approximately Sept of 2022. That was 118 opportunities (over 13 homes a month) for someone to purchase a home in Neskowin. Now, could the “doctors and teachers” afford to buy, that would be a totally separate topic. But again, blaming STRs for the inability for someone to buy in Neskowin is incorrect as the numbers show.

When full time residents moved to Neskowin/PC area they were well aware of the resort/vacation demographics of their chosen community. But we have a problem with those few individuals who move then complain that STRs are causing the lack of WFH/low income housing and rising property prices. Nothing could be further from the truth - its simple economics which is nothing more than supply/demand.

We live in a country where goods and services are bought and sold in a free market. That market is determined by supply and demand on everything including housing. If government steps in, manually manipulating housing, forcing prices down through regulations low enough to qualify for low income or WFH housing, this is no longer a free market. This is a socialist approach to the problem and not a solution to the complaints being made. Property in Neskowin and other communities will always demand higher prices, its that simple. There is no “affordable or WFH housing” in Neskowin or similar communities – they dont exist.

Lastly, if this does not make sense, then consider this: I recently asked a lender if a person making 25.00 an hr (approx work force housing wage) 40 hrs a week, 4 weeks a month, no debit, great credit and 20% down on a purchase what is the maximum home price they would qualify for? I was told 225,000.00 to 250,000.00. Check Zillow and you will see what and where a 225K – 250K home for sale will be located. Its not Pacific City or Neskowin.

I strongly encourage Tillamook County to seek mindful regulations that target the issues without penalizing STR owners and our rights as property owners.

Shelia Clark
Neskowin, OR
Florence, OR

FROM THE DESK OF
Bruce Bishop

February 10, 2023

TO: Commissioner Skaar
Director Absher
Members of the Tillamook County STR Advisory Committee

FROM: Bruce Bishop
Neahkahnie Homeowner

I am writing on the proposed recommendations to change the STR ordinance. Since I have previously submitted extensive comments on this topic, I will focus my comments here on two issues.

In general, I strongly support the changes that Ms. Absher and Mr. Kearns have crafted for the committee's and the county's consideration. In my view, they strike a reasonable balance between both allowing short-term rentals in unincorporated areas of the county and regulating their operation for health and safety reasons and community well-being. When adopted, these rules will make significant progress in keeping Neahkahnie livable.

As I have previously testified, both in writing and in person, the most important step the county can take is to differentiate—at least for Neahkahnie, a community zoned almost exclusively for single-family dwellings—the rental of single-family dwellings on a short-term basis from the operation of commercial lodging establishments. In Neahkahnie, the only commercial activities allowed are bed and breakfast inns and home-based, owner-occupied businesses. Absent a change in Neahkahnie's zoning ordinance, commercial STRs (where there is no owner occupancy and/or groups over 15 can be accommodated) should be phased out altogether.

Buffer zones should be established so that "estate homes" are separated by at least two lots from each other. The draft seems to recognize that concentrations of such enterprises in a residential area are generally

undesirable and should include specific criteria for their operation. This is a reasonable regulatory approach, well within the county's authority and responsibility.

One regulatory tool not used in the draft recommendations involves the ownership of more than one STR by an owner. Multiple ownerships are the epitome of a commercial operation. At minimum, the rules should require that estate homes under common ownership be at least 500 feet apart. While this approach will not completely avoid the concentration of rentals in certain areas, it will prevent commercial operations from occupying an entire stretch of beachfront or ocean-view property. Finally, the county should consider any rental at which more than 12 adults may stay overnight to be a hotel/motel, subject to applicable state health and safety regulations, and not a short-term rental.

Thank you for the opportunity to comment on the proposed recommendations.

Lynn Tone

From: Sarah Absher
Sent: Monday, February 13, 2023 8:57 AM
To: Lynn Tone
Subject: Public input Feb 14 STR Advisory Committee

From: Mike Cook <mikerusts@gmail.com>
Sent: Saturday, February 11, 2023 5:34 PM
To: Sarah Absher <sabsher@co.tillamook.or.us>
Subject: EXTERNAL: Public input Feb 14 STR Advisory Committee

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To: <publiccomments@co.tillamook.or.us>
Cc: sabsher@co.tillamook.or.us, Randy B. Thorpe <rthorpe@co.tillamook.or.us>, Karen Babbitt <wcgarden@gmail.com>, Neah Kahnier <nkncac@gmail.com>, gail young <gailmyoung@mac.com>, Colleen Schwindt <colleen.schwindt@gmail.com>, Linda <lindaphoto43@gmail.com>

STR Advisory Committee, Director Absher:and Commissioner Skaar:

This is in follup to my earlier testimony and responding to the current status as a 20 year resident, active here in Neahkahnier.

In reading the comment summaries I'm struck by the both the serious, thoughtful work being done and that clock that is ticking for closure. Clearly, in due respect to our community of those living here, like us, and part-time owners who have built a long standing committment to our Neahkahnier community, we need a better formula and spirit for accommodating, really hosting, visitors to OUR neighborhoods and sharing both the beauty we love and the risks we face every day. **DOING NOTHING IS NOT AN OPTION.**

Tailored caps and innovative density and capacity limits, and effective nuisance management all seem reasonable tools. The elephant now locked in the closet, though, is the recognition of risks of both living and visiting here. While visitors may be here a day or week, these homes will be largely occupied every day, totally unprepared the risks of coastal life. While rental postings should be required, it should be on the shoulders and conscience of the STR owners and County to brief visitors on these risks and long recognized preparations. County Emergency Management could assist this effort with the assistance of TLT funds.

Thank you for your work in facing up to this complex but essential challenge especially on Valentines Day.

Respectfully,

Mike Cook
37335 1st St., Neahkahnier
503-368-3048

Lynn Tone

From: mikecehlen@gmail.com
Sent: Monday, February 13, 2023 8:51 AM
To: Sarah Absher
Cc: Lynn Tone
Subject: EXTERNAL: FW: STR comments

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From: mikecehlen@gmail.com <mikecehlen@gmail.com>
Sent: Monday, February 13, 2023 8:09 AM
To: publiccomments@co.tillamook.or.us.
Subject: STR comments

Greetings Tillamook County Advisory Committee and Director Absher,

My wife Janice Gaines-Ehlen and I have been Neahkahnie residents since 2003. I'm a carpenter/builder and used motor oil recycler. Janice has owned and operated a day spa- Spa Manzanita for over 15 years (just recently sold)

We've been very aware of the changes over past recent years of increased short term rentals and how this "new" business model has affected our neighborhood. Summers see packed houses brimming with people. Overflow parking tends to be in a willi-nilli fashion. Renters often park slightly into the street causing residents to stop if a car is coming the other way. Many times it's a blind corner situation which of course magnifies the danger, especially when large groups of people are walking in the street which has become the new normal.

We've read the recently revised version of ordinance 84 and are in complete agreement.

We'd like to see independent RV and other vehicle campers parking on our streets curtailed as well, but I suppose that's another issue.

It's our opinion that the STR business should indeed be treated as a business and as such be licensed and monitored accordingly. Ordinance 84 addresses this well. We're hopeful it becomes a reality.

Thanks for all the effort you've put into this important issue.

All the best,

Mike

Mike Ehlen
PESCO Pragmatic Environmental Solutions Co. Inc.
Cell: 503-307-0322
email: mikecehlen@gmail.com
website: www.pescova.co
skype: Michael Casey Ehlen

Lynn Tone

From: Mark Roberts <mandm-roberts@comcast.net>
Sent: Monday, February 13, 2023 8:01 AM
To: Sarah Absher; Lynn Tone
Subject: EXTERNAL: STR Comment: Purpose Statement

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Erin Skaar, Commissioner February 6, 2023
Mary Faith Bell, Commissioner
David Yamamoto, Commissioner
Sarah Absher, Director, Department of Community Development
Short-Term Rental Advisory Committee

I - I wrote comments to you a week ago, February 6, 2023, when I expressed alarm over both the on-going tragedy in Turkey with its powerful 7.5 earthquake and implications for Tillamook County.

Tillamook County faces a 9.0 earthquake, (this is WAY more powerful than the earthquake in Turkey) plus a tsunami as high as 50 feet, hitting with zero warning, sometime in the future.

Today, Turkey's earthquake casualty estimates exceed 30,000 dead.

Today, Tillamook County, per a recent issue of the North Coast Citizen, remains "woefully unprepared".

All of Tillamook County needs to step up and face this reality seriously and honestly, including the short-term rental industry. The necessary information and tools must be provided to our guests.

II – The above earthquake/tsunami concern reminded me of the Purpose statement of the Short-Term Rental Ordinance. The current Ordinance has only two purposes:

- 1- Safety
- 2- Livability

In fact, the Purpose is to **enhance** public safety and livability!

The revised Ordinance now has six purposes. Are we losing something as we become more specific?

As a retired bureaucrat, I appreciate the difficulty of balancing broad, sweeping language versus carefully parsed, specific language.

But notice, we are no longer seeking to enhance 'livability' in Tillamook County

Rather, we are balancing "the legitimate livability concerns of residential neighbors with the rights of property owners to use their property as they choose."

At the end of the day, the Board of Commissioners AND the Department of Community Development (*emphasis added*) need to remember the original purposes of this Ordinance – to enhance public safety and livability.

Let us test every effort – are we increasing safety and livability for all of Tillamook?

Lynn Tone

From: kcj3pdx@gmail.com
Sent: Sunday, February 12, 2023 3:04 PM
To: Lynn Tone
Cc: Sarah Absher
Subject: EXTERNAL: Comments for the STR Committee to February 14 2023 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.]

Thank you for including this email in the materials sent to the STR Committee members for their February 14, 2023, meeting.

I have owned my house in Neahkahnie for over 40 years and rent it for a maximum of 10 weeks each year. I support reasonable restrictions and regulations on STRs to help maintain the residential nature of the community and to enhance the safety of residents and renters. Accordingly, I look forward to the work of the STR committee and County staff.

I hope that the Committee and the County Commission will consider and address the following issues in reviewing the current draft ordinance:

1. Given the objective to manage the number of STRs within the yet-to-be-determined cap, does the proposed lottery provide the most equitable approach to limiting STRs?
 - a. Under the proposed lottery approach, established STR owners could have that existing ability taken away, while potential new homeowners would know that the ability to rent their property was not assured. Taking away an existing right creates far more inequities than establishing known restrictions that apply going forward.
 - b. If existing STRs were grandfathered and not subject to revocation after 5 annual renewals, how long might it take for a sub-area to be within the yet-to-be established caps if other measures were taken such as:
 - i. Limit STR certificates to one per owner
 - ii. Withdraw STR certificate if the property is not actively used as a rental.
 - iii. Prohibit transfer of STR certificate upon sale of the property
2. The 250' density limit seems problematic to administer and may not be needed if caps are adopted. Do any other counties have a similar requirement, and if so, how has that worked?
3. Are the proposed regulations generally similar or more restrictive than existing STR regulations implemented by cities in Tillamook County? Inconsistent requirements could create significant competitive disadvantages between STRs in adjacent cities and unincorporated areas.
4. When will the timing and process to define the geographic boundaries and caps for "sub-areas" be determined?

I would also appreciate clarification of these specific provisions of the draft ordinance:

- Section .080.I states that "areas not approved for use as a bedroom shall be locked and secured." This language could refer to an office area, or even a living room. Please clarify this language.
- Section .070 D.3 requires that each parking space shall be a minimum of 8' by 20'.
 - What is the basis for setting these dimensions? Oregon sets minimums for parking space as 7.5 feet wide and 16 feet long. Why is the proposed size 33% larger? (160 sq ft vs. 120 sq ft)
 - What is an "all weather travel surface"? Would that include an area of packed grass and sand that has been in place for 30 years?

- Section .050.A.5 requires that STR must have “proof of garbage service”, while section .080 requires that assisted weekly garbage service is required. Please revise the language to state that garbage collection is required only when the STR is available for rental.
- 5. Section .030.D states that a bedroom is required to have a closet. I could not find this requirement in ORSC R202. Older homes may not have been built with closets in every bedroom. Why should this be a requirement for STRs?

Thank you for your consideration of these comments.

Ken Jones
503-970-5256

Lynn Tone

From: Alex Sifford <oregonalexs@gmail.com>
Sent: Saturday, February 11, 2023 4:56 PM
To: Sarah Absher
Cc: Lynn Tone
Subject: EXTERNAL: Ord 84 Revisions

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Sarah
Absher

Feb. 11, 2023

Tillamook Community Development
1510-B Third Street
Tillamook, OR 97141

Re Draft Ordinance 84 Revisions

I support the draft revisions as proposed. Thank you for listening to Tillamook citizen concerns and trying to balance the business of STRs with residential land use i.e., the character and tranquility of our neighborhoods.

Tillamook County is pursuing its Short Term Rental Advisory Committee work revising Ordinance 84, a business regulation ordinance. That Committee is taking input from local Citizen Advisory Committees, groups and individuals. Terrific, here's some more.

The citizens of Neskowin, through its CAC, are revising its 1999 Community Plan, a land use planning document. Land use is still useful to define the kind & level of activities citizens of Tillamook County want to see in their neighborhoods. It's worth noting that our 1999 Neskowin Community Plan makes no mention of Short Term Rentals. This while acknowledging the village's long history as a family resort area. What received no mention in 1999 was that historical vacation rentals to augment costs rented for the "high season" e.g. 120 days per year. I know as we rented our home from 1987 to 1995.

The number of STRs has increased significantly in recent years - as documented by the County. What we're seeing now is a recent pattern of more houses renting for more nights e.g. 200-300 nights per year. The closest STR to my home is well over 300+ nights per year as I've been keeping track since Jan. 2021. Few problems with them but massive turnover, new groups 2-3 times per week through the year. Welcome to the neighborhood. In 2023, STR's are a land use issue worth addressing, both through business regulation and in our Community Plan.

We've been told that land use is not the avenue to regulate STRs, which are regulated businesses. However, such businesses should not be allowed to grow and operate without reasonable regulations updated to reflect current land uses. You have the challenge of balancing the rights of people who live here & rights of those who rent homes to make money.

I encourage the Committee to lean regulations towards coastal, unincorporated areas where people may live and thrive as members of a caring, supportive community, one that is always contributing to the health and governance of our County. We can have that with some level of tourists and tourist services.

Thank you.

Alex Sifford
Neskowin OR



Virus-free www.avg.com

Lynn Tone

From: Pam Statz <pamstatz@gmail.com>
Sent: Friday, February 10, 2023 9:14 AM
To: Public Comments; David Yamamoto; Erin Skaar; Mary Faith Bell; Lynn Tone
Cc: jcasegraham@gmail.com
Subject: EXTERNAL: Comment in support of Short Term Rentals in Tillamook county

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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 Draft revision of the Short Term Rental Ordinance.

My husband and I have an LLC that owns one property on Neahkahnie Mountain. Yes – it's an LLC but we are not faceless. We do not make a profit from renting our home. We spend as much time there as we can afford to. Our ability to rent as a STR helps us cover part of our mortgage and we pay much more on top of that for the privilege of owning a home in this community.

Implementing the proposed ordinance as written will make owning a home on Neahkahnie Mountain only possible for the super rich. If we can't rent, we will have to sell. Is that what the purpose of this ordinance is? To drive out the middle class for the super rich?

Banning STRs in tourist destinations isn't going to suddenly open up the area to affordable housing. We have a house on Neahkahnie mountain because it is our retreat. If I rent it full time and STRs are outlawed – then again -- only the super rich will be able to enjoy Oregon's coastal communities.

If STRs are outlawed – homeowners will still rent their properties. And they will do it without following safety guidelines and people are going to get hurt.

The proposed ordinance is extreme and harsh to those of us who have been following the rules, paying the fees, getting inspections and making sure our homes are as safe as possible for guests and the community.

Pam Statz & Justin Graham

--

Pamela Statz
pamstatz@gmail.com
pamelastatz.com
415.577.9149

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

Lynn Tone

From: Sarah Absher
Sent: Thursday, February 9, 2023 3:18 PM
To: Lynn Tone
Subject: STR regulation

From: David Yamamoto <dyamamoto@co.tillamook.or.us>
Sent: Thursday, February 9, 2023 3:06 PM
To: Sarah Absher <sabsher@co.tillamook.or.us>
Subject: FW: EXTERNAL: [David Yamamoto] STR regulation



David Yamamoto
TILLAMOOK COUNTY COMMISSIONER
dyamamoto@co.tillamook.or.us
201 Laurel Avenue
Tillamook, OR 97141
Phone (503) 842-3403
Cell (503) 701-1235

From:
Tillamook
County OR

<tillamookcounty-or@municodeweb.com>
Sent: Thursday, February 9, 2023 11:42 AM
To: David Yamamoto <dyamamoto@co.tillamook.or.us>
Subject: EXTERNAL: [David Yamamoto] STR regulation

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Robert Govender -Towle (robtowle10@aol.com) sent a message using the contact form at <https://www.co.tillamook.or.us/>.

Erin Skaar,

I'm writing today in support of reasonable and thoughtful debate based on actual data surrounding STR impacts.

As I've listened to the debate over increased STR regulations, I've yet to see any meaningful and objective data supporting "quality of life" concerns. Rather, I've heard anecdotal stories mostly reflecting the "challenges" of living with neighbors.

Before the Country imposes greater regulations on STR owners, I urge the Commission to look at real data vs, stories. Data collection can be hard to collect and manage sometimes, while story telling and anecdotes are easy. The role of government should be hard.

I'd also challenge the County to understand the true economic impacts STR's provide. I understand there are limits on how TLT's can be spent, however, any actions taken to essentially reduce tourism in the county will adversely affect County operations. With the adoption in 2022 of the \$75. operator "head in bed" fees, the County has created an entirely new revenue stream completely under the County's control as I understand it.

With respect to the notion that STR's adversely impact workforce/affordable housing, I'd reference the Counties own data that suggest most STR's fall west of HWY 101, and very little of that housing would meet any meaningful definition of affordability. No amount of regulation or reduction of STR's will result in more workforce/affordable housing. In fact, reducing STR's would have the opposite affect by directly reducing the operator fees noted above.

I'll close with pointing out the significant legal and financial exposure the County is flirting with by way of Measure 49 claims. Notwithstanding the efforts to say these are not land use issues, a plain read of the current draft regulations would say otherwise. I know most STR owners would be open to reasoned regulations, and I urge the Advisor Committee and the Commissioners to act accordingly.

Regards,

Rob Govender – Towle

(I built my vacation home with my father and brother 42 years ago and want to continue to use it with my family and be able to rent it)

Lynn Tone

From: Pam Greene <pam.s.greene@gmail.com>
Sent: Monday, February 13, 2023 12:17 PM
To: Lynn Tone
Subject: EXTERNAL: Document in favor of Ordinance 84 for your consideration
Attachments: STRs Oversaturated.pdf

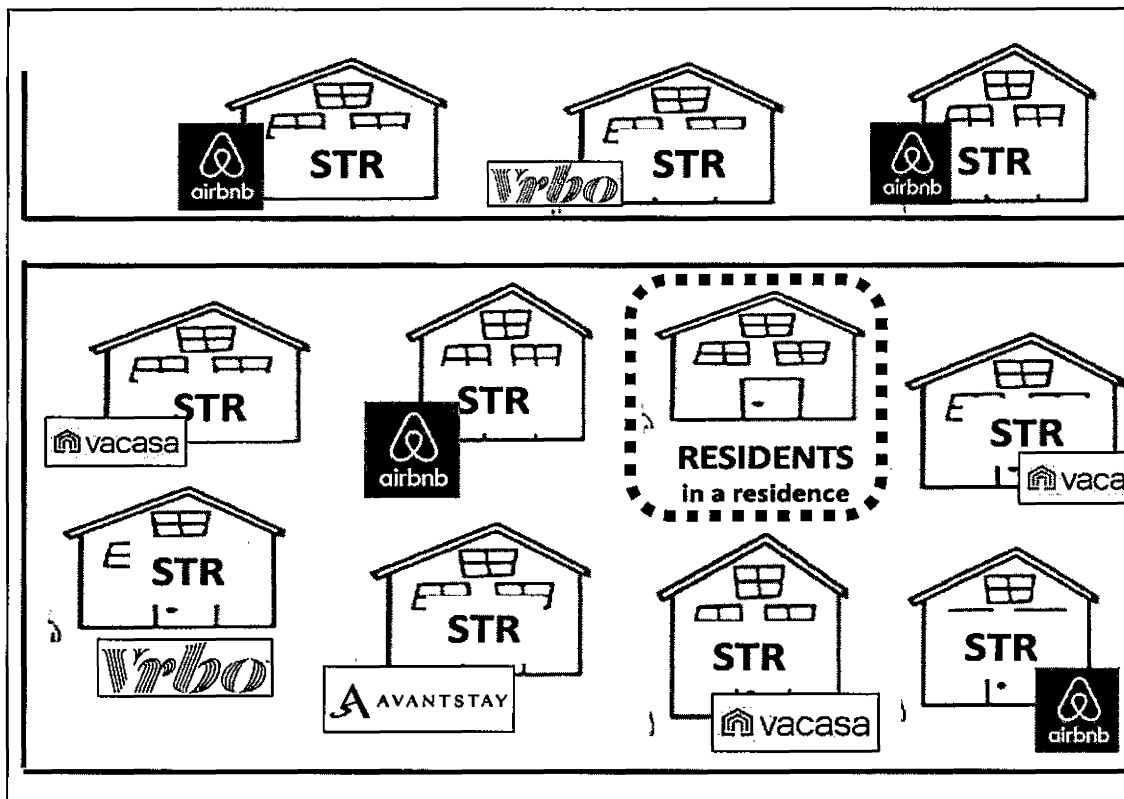
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Dear Tillamook County Advisory Committee and Director Absher,

Please see the attached document:

Concerning the oversaturation of STR's in our Neahkahnie and other Tillamook county communities and the "airbn'Bust" problem with their oversaturation nationwide.

Respectfully Submitted,
Pam Greene
Neahkahnie Resident



THIS IS NO LONGER A COMMUNITY

No one should have to live surrounded by STRs that have overrun a residential neighborhood.

**DUE TO AN OVERSATURATION OF STRs,
THERE IS NOW AN “airbnBUST” IN AMERICA.
TOO MANY RENTALS AND NOT ENOUGH RENTERS,
THEY SIT MOSTLY EMPTY.
MEANWHILE THE FABRIC OF THE COMMUNITY
HAS BEEN DESTROYED.**

Airbnb doesn't care if *your* home sits empty as long as they get revenue from ALL their thousands of listings, they win no matter what!

**STRs SHOULD WELCOME DENSITY LIMITS AND CAPS
to protect against oversaturation!**

Lynn Tone

From: Pam Greene <pam.s.greene@gmail.com>
Sent: Monday, February 13, 2023 12:57 PM
To: Lynn Tone
Subject: EXTERNAL: Balance and Compromise are needed- Community and Commerce
Attachments: STRs Balance and Compromise.pdf

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Dear Director Absher and Tillamook County Advisory Committee,

Please see the attached document concerning the need to strike a balance and for all parties to compromise as proposals and revisions are made to Draft Ordinance 84.

Great work so far, thank you for listening to the county residents.

Respectfully submitted,
Pam Greene
Neahkahnne Resident
Property owner since 2002

DRAFT ORDINANCE 84 IS MOVING IN THE RIGHT DIRECTION!

GOOD WORK!

*Extreme
View*
UNLIMITED
Unregulated
STR's

BALANCE
AND
COMPROMISE
ARE NEEDED !

*Extreme
View*
NO STR's

COMMUNITY *AND* COMMERCE



DENSITY LIMITS on STR's that are
APPROPRIATE FOR EACH COMMUNITY

A PERCENTAGE CAP on the number of STR's that
are APPROPRIATE FOR EACH COMMUNITY

THE PROPOSED NEW REGULATIONS ARE NEEDED

OCCUPANCY LIMITS ARE NEEDED

PARKING LIMITS ARE NEEDED

NOISE LIMITS ARE NEEDED

SAFETY REGULATIONS NEED TO BE STRONGER

Lynn Tone

From: dbenneth@comcast.net
Sent: Monday, February 13, 2023 2:53 PM
To: Sarah Absher
Cc: Lynn Tone; 'Randall Koch'; 'Tracey Hauth'; 'Chris Silkowski'
Subject: EXTERNAL: Results of NCAC STR Survey
Attachments: FINAL+RECOMMENDATIONS++SURVEY+DATA+--+NESKOWIN+12-21-22.pdf;
Bifurcated Survey Results Forwarded to County on February 13, 2023.pdf

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Sarah and Lynn

On Saturday the NCAC general membership voted to forward to you the results of the recent NCAC STR survey and the STR sub-committee's recommendations for revisions to Ordinance # 84 based on the survey results. In addition, the general members voted to forward to you an analysis of the survey results bifurcated between responses from STR permit holders and those not holding STR permits, that was compiled at the request of the officers of the NCAC.

Respectfully,

Dave Benneth

NCAC Secretary

**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

- Yes 73% • Require some type of bear resistant trash system
- Yes 72% • Various rules should equally apply to all Neskowin homes
- Yes 72% • Reallocate TLT funds for enhanced enforcement
- Yes 65% • Online complaint form
- Yes 64% • Require exterior lighting to be shielded downward
- Yes 59% • Percentage cap on number of STR permits
- Yes 58% • Exempt commercial zones from potential percentage cap
- Yes 57% • Calculate max occupancy by "bedroom" instead of "sleeping area"
- Yes 56% • Some type of additional parking limit
- Yes 51% • Online directory of STR permit contact info
- Yes 50% • Exterior signage include contact person & phone number

SUMMARY

- No 84% • Ban STRs in Neskowin
- No 79% • Different property rights based on owner's time at home
- No 64% • Exempt condos & townhomes in residential zones from potential percentage cap
- No 61% • Proximity or distance based limits
- No 59% • Cap on total maximum occupancy
- No 58% • Require some STRs to remove garbage twice weekly
- No 55% • Limit on number of nights per year annually able to rent
- No 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%

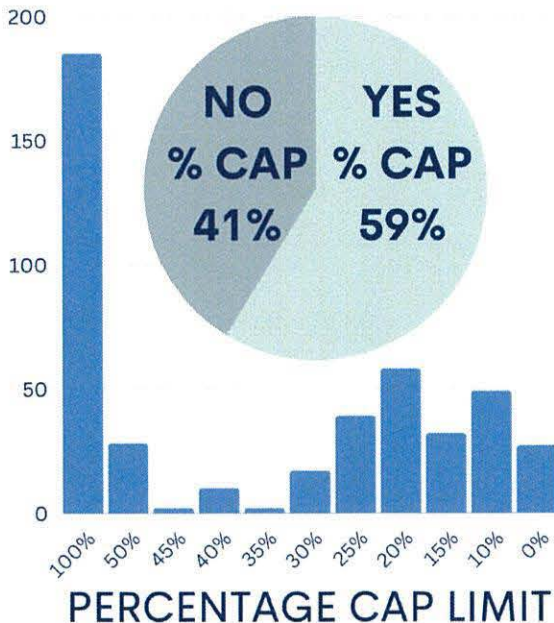
135 YES - STR permit holder actively renting = 30%

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.

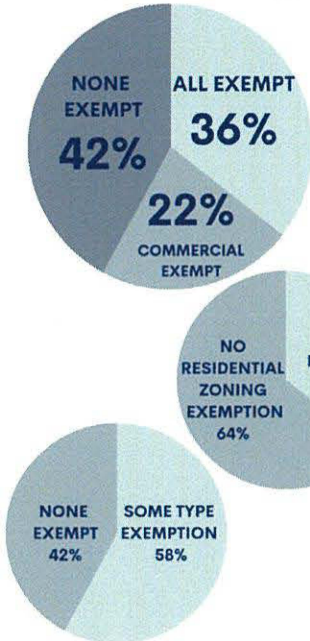
2 DO YOU SUPPORT A LIMIT ON THE TOTAL NUMBER OF ALL STRS IN NESKOWIN VIA A "PERCENTAGE CAP" WHICH WOULD LIMIT STR PERMITS AT A CERTAIN PERCENTAGE OF TOTAL PROPERTIES?



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%

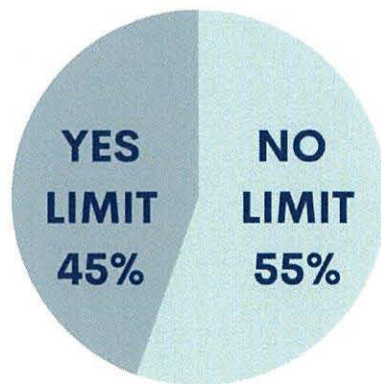
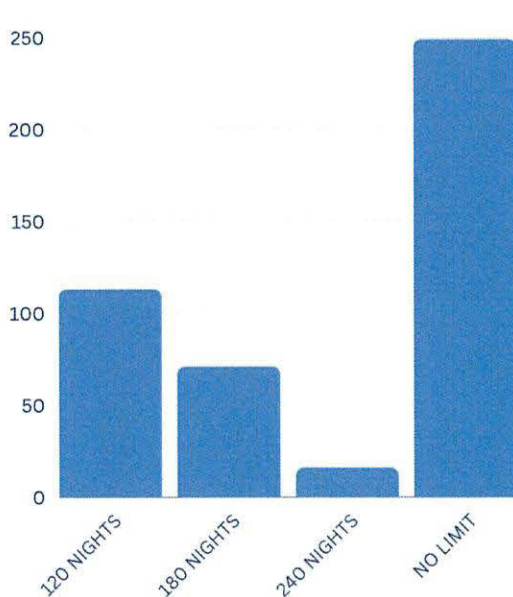
160 YES - exempt ALL condos, apartments, townhome style homes etc from a percentage cap, regardless of zoning = 36%

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?



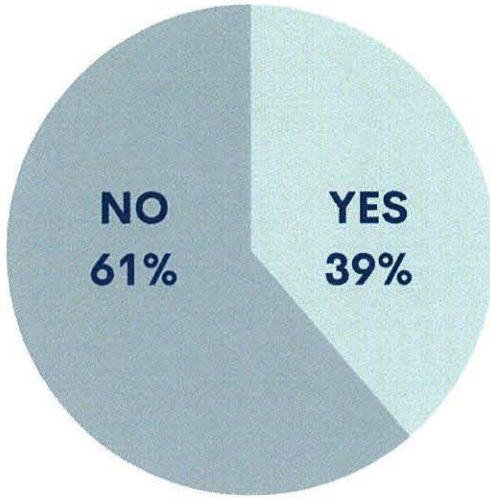
249 365 NIGHTS = 55% NO LIMIT
113 120 NIGHTS = 25%
71 180 NIGHTS = 16%
16 240 NIGHTS = 4%

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.).

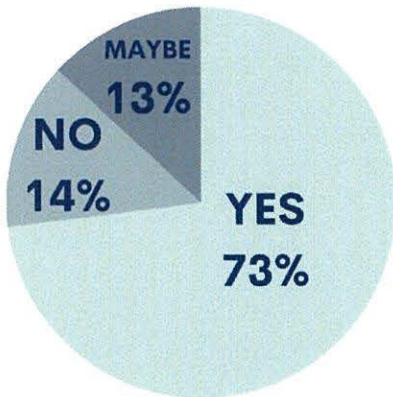


275 NO = 61%

174 YES = 39%

6

SHOULD ANY TYPE OF BEAR RESISTANT TRASH CONTAINER, BARRIER, OR ENCLOSURE BE REQUIRED AT STRS?

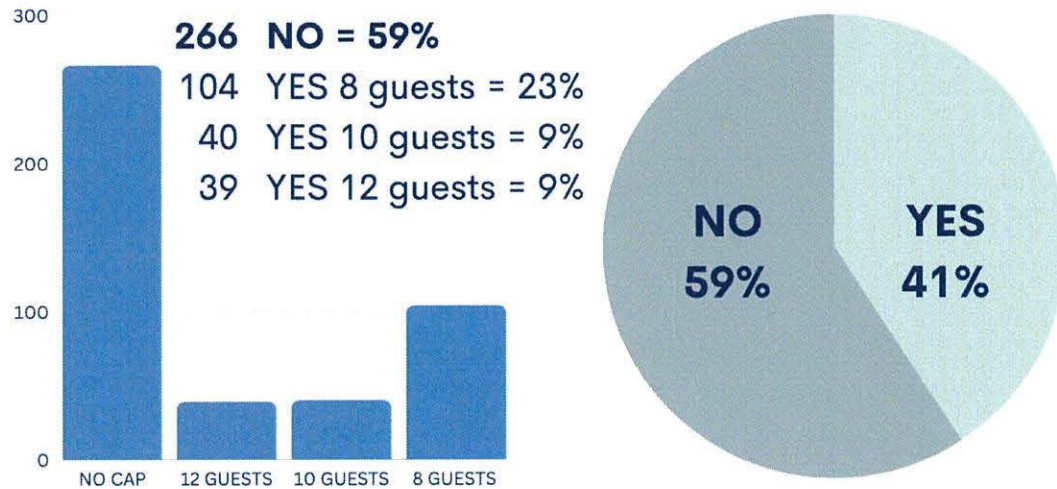


328 YES = 73%

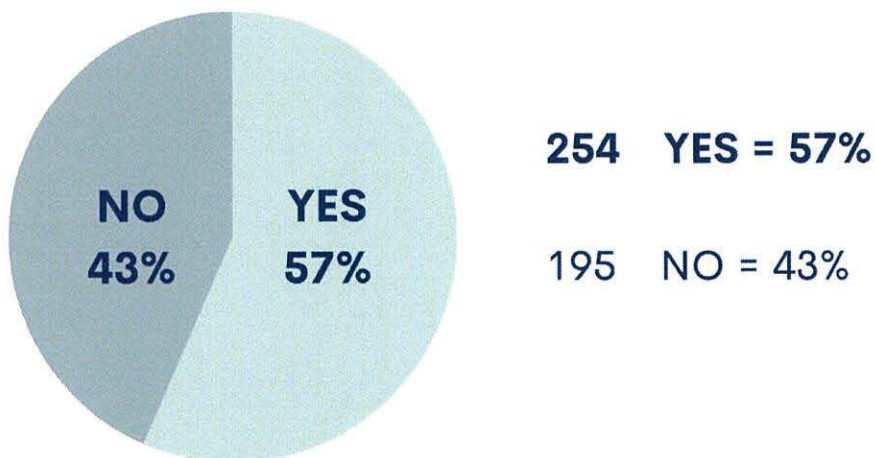
62 NO = 14%

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?



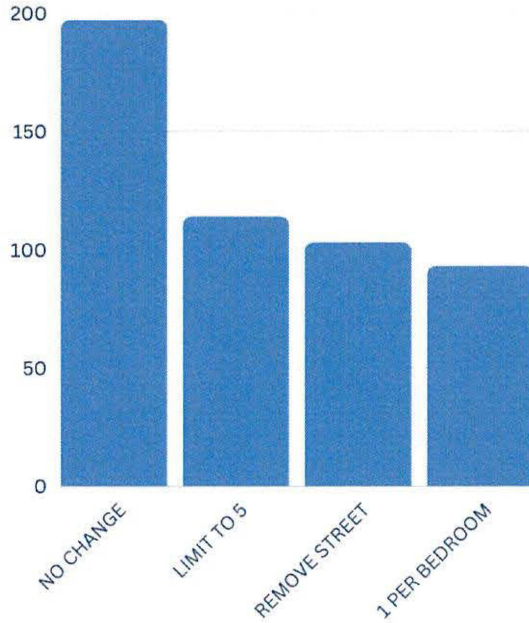
8 SHOULD MAXIMUM OCCUPANCY BE CALCULATED BASED ON "BEDROOMS" INSTEAD OF "SLEEPING AREAS" AT THE RATE OF 2 PER BEDROOM + 2 OVERALL?



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%

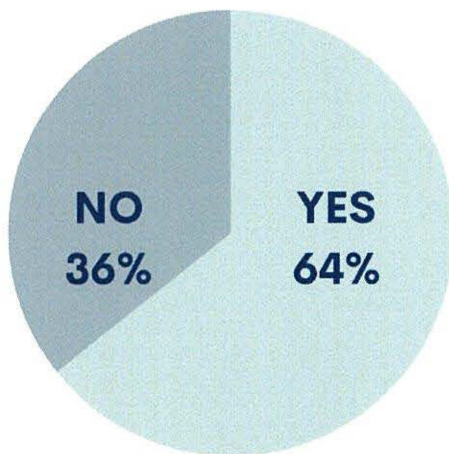
103 YES - Limit parking via removing allowance for 2 on street parking spots from permit total = 23%

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?

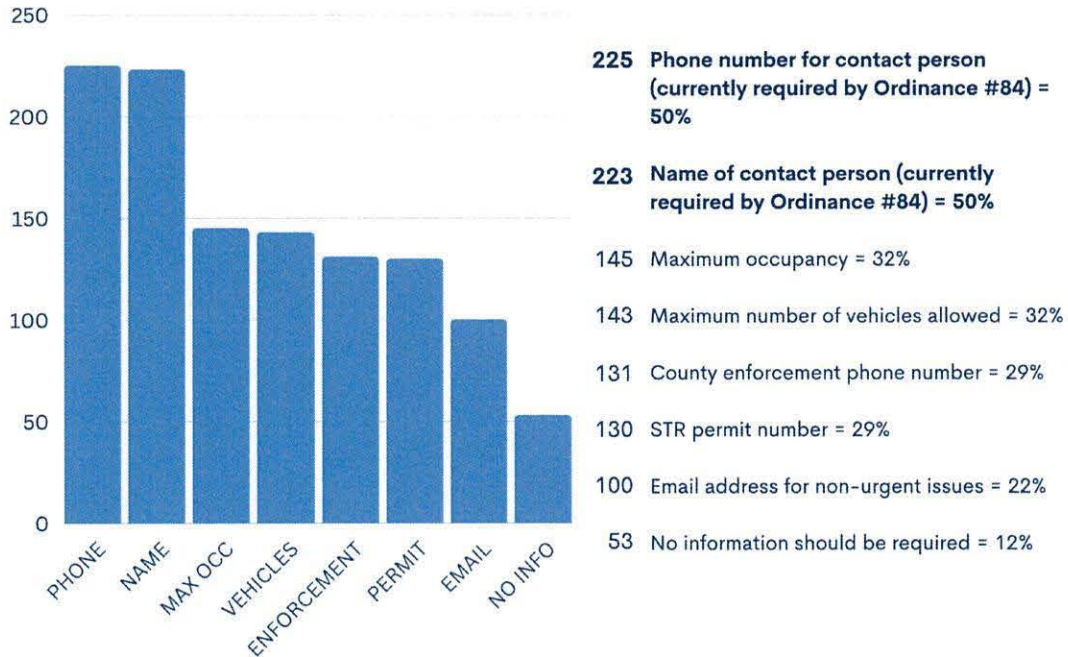


289 YES = 64%

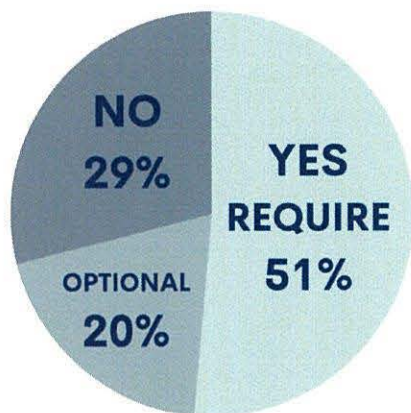
160 NO = 36%

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?

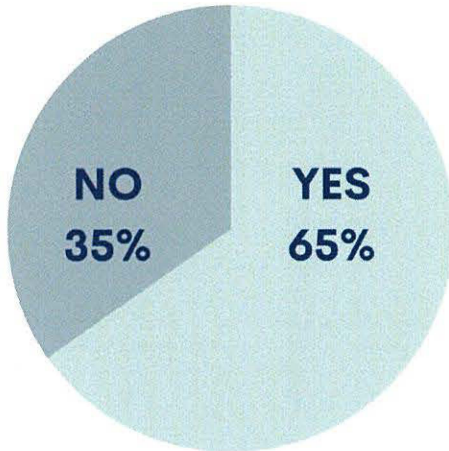


231 YES - require online directory = 51%

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?



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)?



244 NO - (no change - owners may self-manage and continue to have local contact person without requirement to respond in person) = 54%

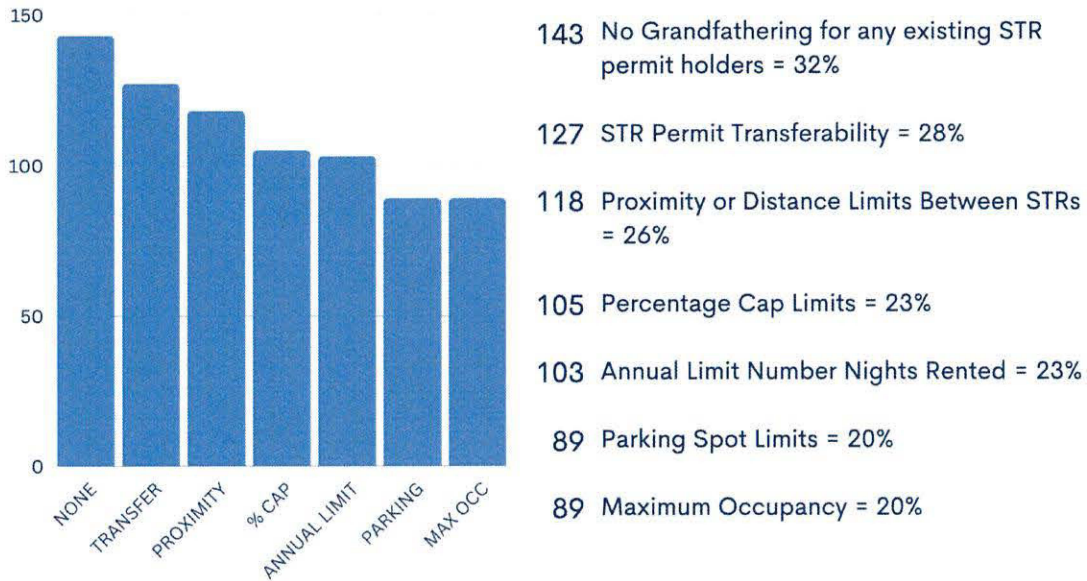
137 YES - Require Local Response In Person 24/7 (cost variable) = 31%

68 YES - Require Local Property Management (approximately 30% commission) = 15%

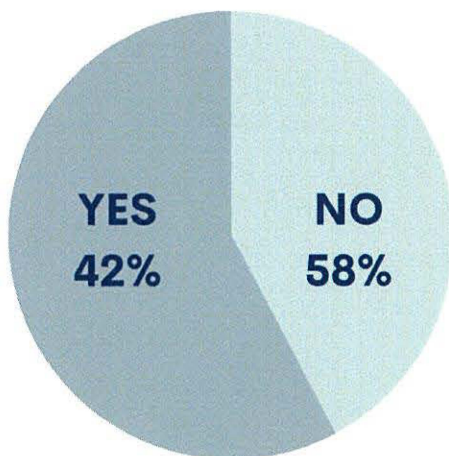
205 Total respondents (46%) supported some type of local property management requirement

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



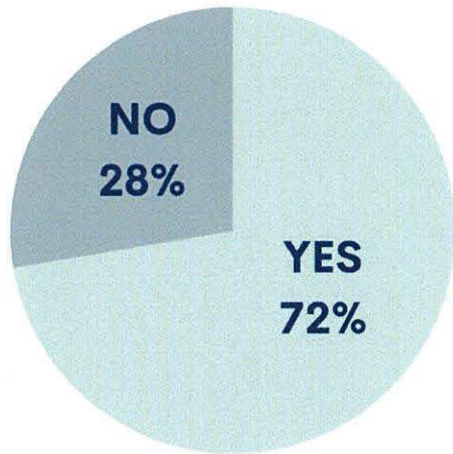
16 DO YOU SUPPORT A RULE REQUIRING STRS WITH 2 RESERVATIONS WITHIN A 7 DAY PERIOD TO BE REQUIRED TO REMOVE GARBAGE TWICE WEEKLY, REGARDLESS OF OCCUPANCY LIMITS?



259 NO = 58%

190 YES = 42%

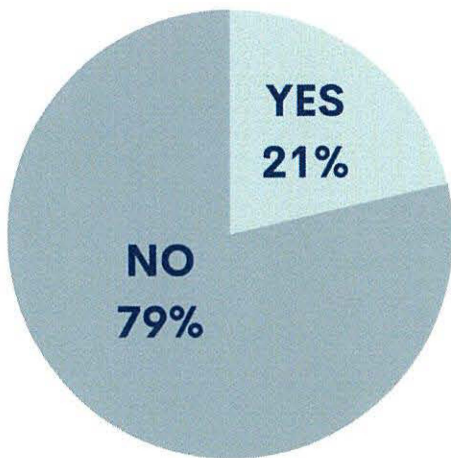
17 SHOULD VARIOUS RULES FOR TRASH, PARKING, LIGHTS ETC., APPLY EQUALLY TO ALL HOMES IN NESKOWIN, OR JUST STRS?



325 YES ALL HOMES = 72%

124 NO JUST STRs = 28%

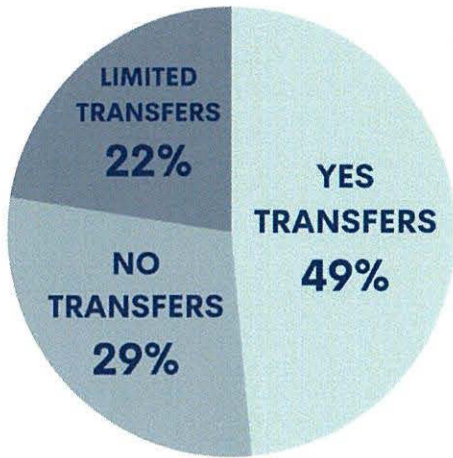
18 DO YOU BELIEVE PROPERTY RIGHTS SHOULD DIFFER BASED ON THE AMOUNT OF TIME AN OWNER PERSONALLY SPENDS IN THEIR HOME?



353 NO = 79%

96 YES = 21%

19 SHOULD STR PERMITS BE TRANSFERABLE?

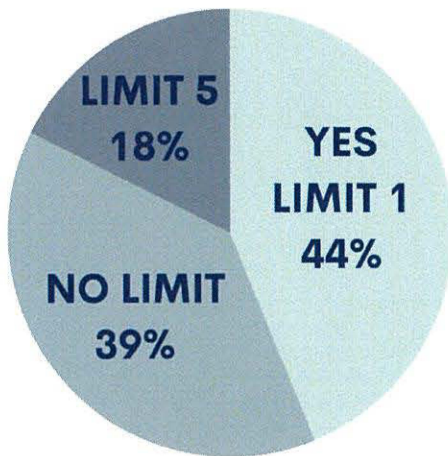


218 YES in all cases, including upon sale (no change) = 49%

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?

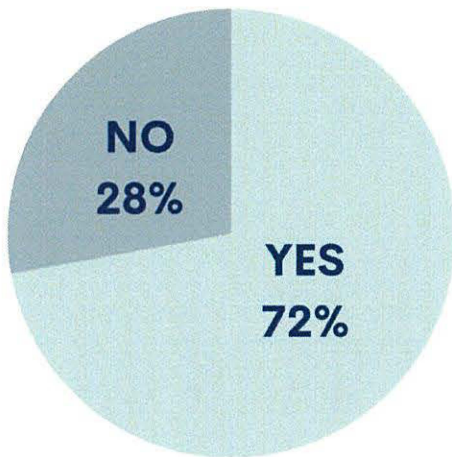


197 YES - one STR permit per person = 44%

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?

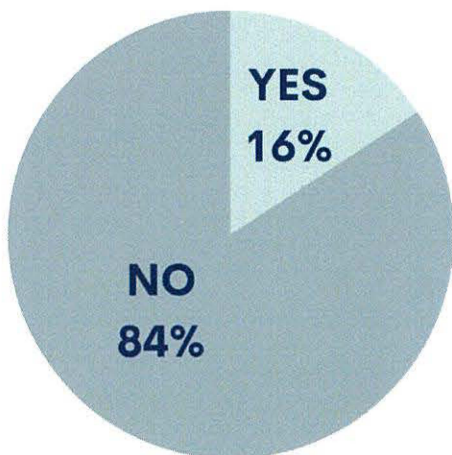


324 YES = 72%

125 NO = 28%

22

DO YOU SUPPORT BANNING STRS IN NESKOWIN?



378 NO = 84%

71 YES = 16%

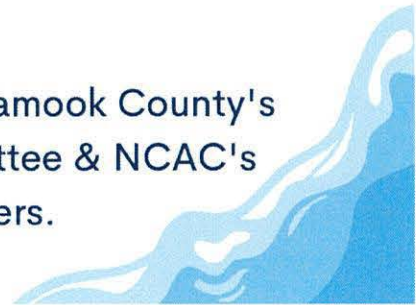


THANK YOU

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

(Prepared at the Request of the NCAC Officers)

<u>Respondents Answering "Yes":</u>			<u>Question</u>
<u>% of Non-Permit Holders (284)</u>	<u>% of Permit Holders (165)</u>	<u>% of Combined Responses (449)</u>	
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

**Neskowin Community Advisory Committee
December 2022 STR Survey Results**

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24%	2%	16%	Ban STRs in Neskowin

Lynn Tone

From: Donald Truxillo <donaId.truxillo@gmail.com>
Sent: Monday, February 13, 2023 3:56 PM
To: Lynn Tone
Subject: EXTERNAL: Support for proposed STR ordinance in Neahkanie

[**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'm writing to provide my strong support for the proposed STR ordinance in Neakahnie. I am very concerned about the number of STRs in our area and the negative effects on quality of life such as noise, trash, water usage, and parking.

The proposed ordinance will address a number of these issues. I support it.

Best regards,

Donald Truxillo
8250 Hillcrest Rd.

Lynn Tone

From: Randall Koch <randallkoch1@me.com>
Sent: Monday, February 13, 2023 3:48 PM
To: Sarah Absher
Cc: dbenneth@comcast.net; Lynn Tone; Tracey Hauth; Chris Silkowski
Subject: Re: Results of NCAC STR Survey

Thank you Dave and Sarah!!!

Randall

Sent from my iPhone

On Feb 13, 2023, at 3:00 PM, Sarah Absher <sabsher@co.tillamook.or.us> wrote:

Thank You Dave,

Lynn will be posting comments received later this afternoon. We'll make sure these get posted for committee and public review.

Sincerely,

<image001.jpg>

Sarah Absher, CBO, CFM, Director
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x3412
sabsher@co.tillamook.or.us

From: dbenneth@comcast.net <dbenneth@comcast.net>
Sent: Monday, February 13, 2023 2:53 PM
To: Sarah Absher <sabsher@co.tillamook.or.us>
Cc: Lynn Tone <ltone@co.tillamook.or.us>; 'Randall Koch' <randallkoch1@me.com>; 'Tracey Hauth' <traceyhauth@yahoo.com>; 'Chris Silkowski' <csilkowski@gmail.com>
Subject: EXTERNAL: Results of NCAC STR Survey

[**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

On Saturday the NCAC general membership voted to forward to you the results of the recent NCAC STR survey and the STR sub-committee's recommendations for revisions to Ordinance # 84 based on the

survey results. In addition, the general members voted to forward to you an analysis of the survey results bifurcated between responses from STR permit holders and those not holding STR permits, that was compiled at the request of the officers of the NCAC.

Respectfully,
Dave Benneth
NCAC Secretary

SUMMARY OF ORDINANCE 84 REVISIONS SECTION BY SECTION

SECTION	EXISTING	PROPOSED
Section 1.	Title. “Tillamook County Short-Term Rental Ordinance”	Title. This section has been revised to clarify intent to authorize and regulation short-term rental use of residential properties in Unincorporated Tillamook County. Language includes repeal of Ordinance 84, Amendment 1 in its entirety.
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.
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
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.
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 6.	Standards. Requires compliance with standards for operation and advisement of enforcement action if standards are not complied with.	Terms of Annual Registration Certification and Renewal. Establishes terms for length of time and transferability.
Section 7.	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.	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

	<p>Requires owner to obtain a short-term rental permit prior to operation of the short-term rental. Requires compliance with all other County 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>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 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>Section 8.</p>	<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 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;</p>

		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.
Section 9.	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 insurance, proof of garbage service and completed Transient Lodging Tax Registration Form.	Additional Inspections Required. Requires inspection at initial application and every three years thereafter. Requires inspection for compliance with building codes include applicable fire and life safety codes. Requires inspection of onsite sanitation inspection that requires either an Authorization notice of the existing system.
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 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.
Section 11	Complaints. Establishes process for lodging complaints regarding short-	Implementation of this Ordinance and Applications to Short-Term Rentals registered and Operating on

	<p>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 citation, revocation of permit or denial of request for renewal of permit.</p>	<p>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. 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.</p>
<p>Section 12</p>	<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>
<p>Section 13</p>	<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 shall represent the County in court. Establishes penalties with maximum</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; discovery of material misstatements and false information; and revocation or suspension of Short-</p>

	<p>finer per day. Establishes that each day of violation is a separate offense and is separately punishable.</p>	<p>Term Rental Registration Certificate due to health and safety issues. Establishes process for notification of suspension or revocation of Short-Term Rental Registration Certificate.</p>
<p>Section 14.</p>	<p>Severability.</p>	<p>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.</p>
<p>Section 15.</p>	<p>Repeal of Existing Ordinances.</p>	<p>Severability.</p>
<p>Section 16.</p>	<p>Effective Date.</p>	

Lynn Tone

From: Public Comments
Sent: Tuesday, January 3, 2023 11:55 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Ordinance 84
Attachments: Resized_20220705_144233(1)001.jpeg; 20220611_205117.jpg; 20220618_160205.jpg; 20220924_114418.jpg; 20220603_131616.jpg

From: Nicholas Lenzi <dnlenzi5@gmail.com>
Sent: Tuesday, January 3, 2023 10:08 AM
To: Public Comments <publiccomments@co.tillamook.or.us>
Cc: Lenzi, Carina Marie <carinalenzi5@gmail.com>; Lee, Anita <superneetlee@gmail.com>; Lenzi, Marty <maclenzi@aol.com>; Nicholas Lenzi <dnlenzi5@gmail.com>
Subject: EXTERNAL: 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.]

Hello,

I would like to voice my concern over the county's plan to move forward with this ordinance. The tools, although well intended, I feel are too controlling and paint too wide a brush stroke of limitation targeted at corporations with multiple property ownership.

We purchased our home in Pacific City as part of a 1031 exchange from a sale of family owned property, that was left as a legacy by my parents. This is my inheritance and I specifically chose this location because of my love of the central Oregon coast. Our hope was to keep the property as a rental until which time we could convert the property as our primary residence upon my retirement in a few years.

Me and my family enjoy the coast so much and have spent some very wonderful stays in our rental property. We love the beaches, just sitting there and watching the waves, whales, and pelicans. We have storm-watched, bird-watched, ate, laughed, fished, bird hunted, and crabbed during our stays, because this was our plan for the property. It was to be our dream home.

Our choice of home also was made because of the wonderful facilities at the Pacific Seawatch community, which has a pool and recreation center. As a swimmer, I wanted to have a pool that I could use as I age.

Temporarily keeping this home as a rental throughout the year would allow this dream to come true. Ordinance #84 threatens our family's enjoyment of the coast and the possibility of someday moving there full time. Without a STL permit, we would not be able to secure the taxes and monthly expenses associated with keeping the property.

This is my family's legacy. Please do not rob us of this.

Sincerely,
D. Nicholas Lenzi
503.926.3685

Lynn Tone

From: Public Comments
Sent: Thursday, January 5, 2023 9:46 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Public Comments from an STR owner in Tillamook County
Attachments: IMG_5475.MOV

From: Karen Jackson <manager@awlpropertiesllc.com>
Sent: Wednesday, January 4, 2023 7:42 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Public Comments from an STR owner 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.]

Dear Tillamook County Commissioners and STR Advisory Committee,

I am writing to you to share my experience as an owner of a Short Term Rental in Unincorporated Tillamook county

Our family has fallen in love with the Oregon Coast and have wanted a slice of heaven there for several years. The only way we could achieve that was to purchase a property that we could use as a Short Term Rental to help pay for the cost. In December of 2021 we bought a little AFrame cabin in Falcon Cove.

The market was very hot and in order to get the property, we had to waive inspections. We didn't realize just how neglected the property was. Over the past year we have spent \$175,000 restoring it from a new septic system, roof, irrigation, plumbing, electrical, deck and landscaping. It was a very long year. With the delays in getting permits, the rain and more and more surprises, it seemed we would never finish. I'm learning that many second home owners neglect their property as did the prior owners of our little cabin. Luckily we were able to obtain our STR permit and are finally renting through a property management company.

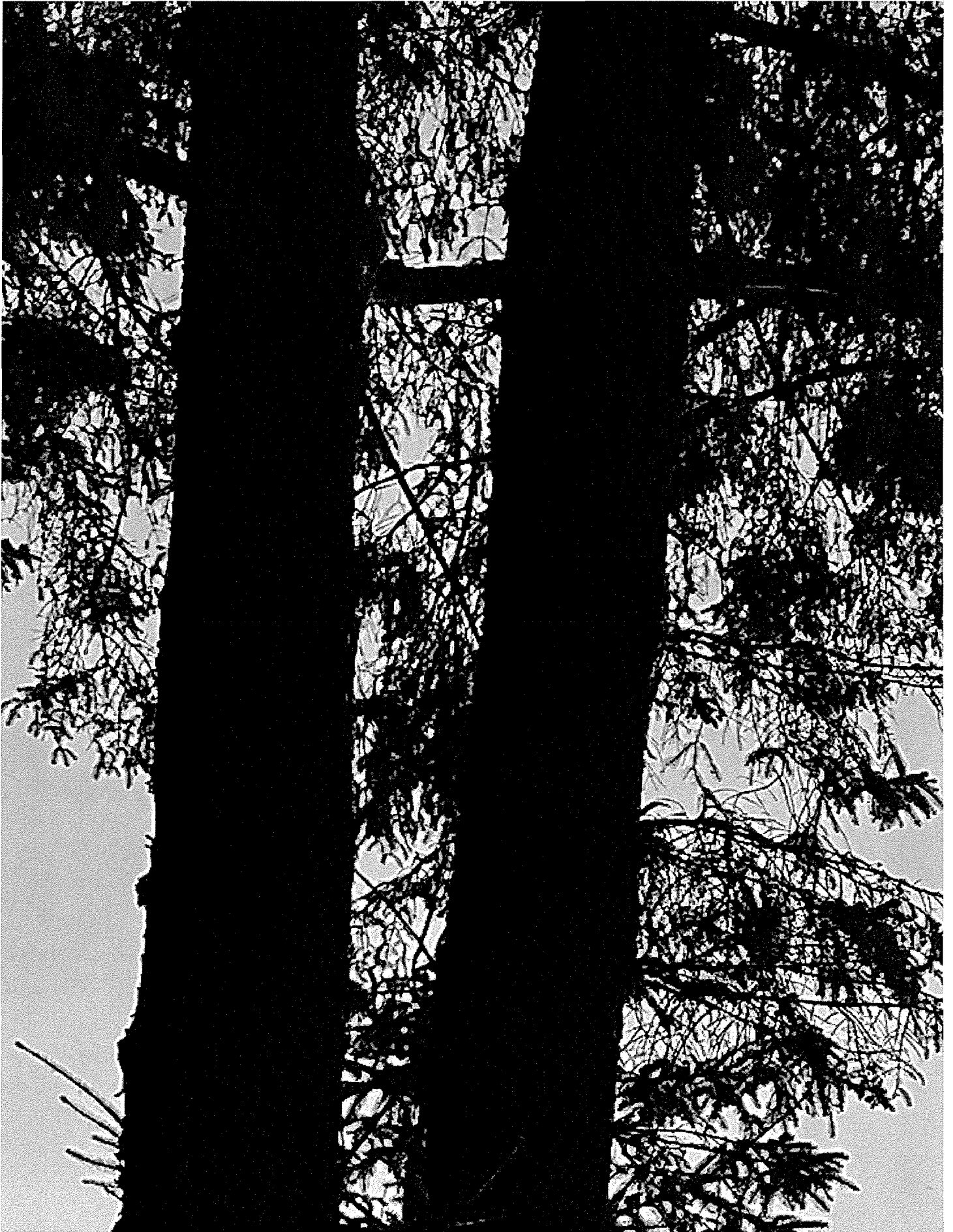
Although it was a long year, we enjoyed our time at the cabin doing some of work ourselves. My teenage boys cut up branches from a tree that fell and repeatedly did other yard clean up. We also supported the local contractors with the \$175,000 investment I mentioned above. I know many families who are investing in vacation homes by king them short term rentals so they can afford it. In studying how to do it properly, I learned it is best to put the property into an LLC to protect ourselves from unscrupulous renters. This is a common strategy for families investing in a vacation home, even when owning just one. It has been quite a learning curve and I'm excited to see my dream come true.

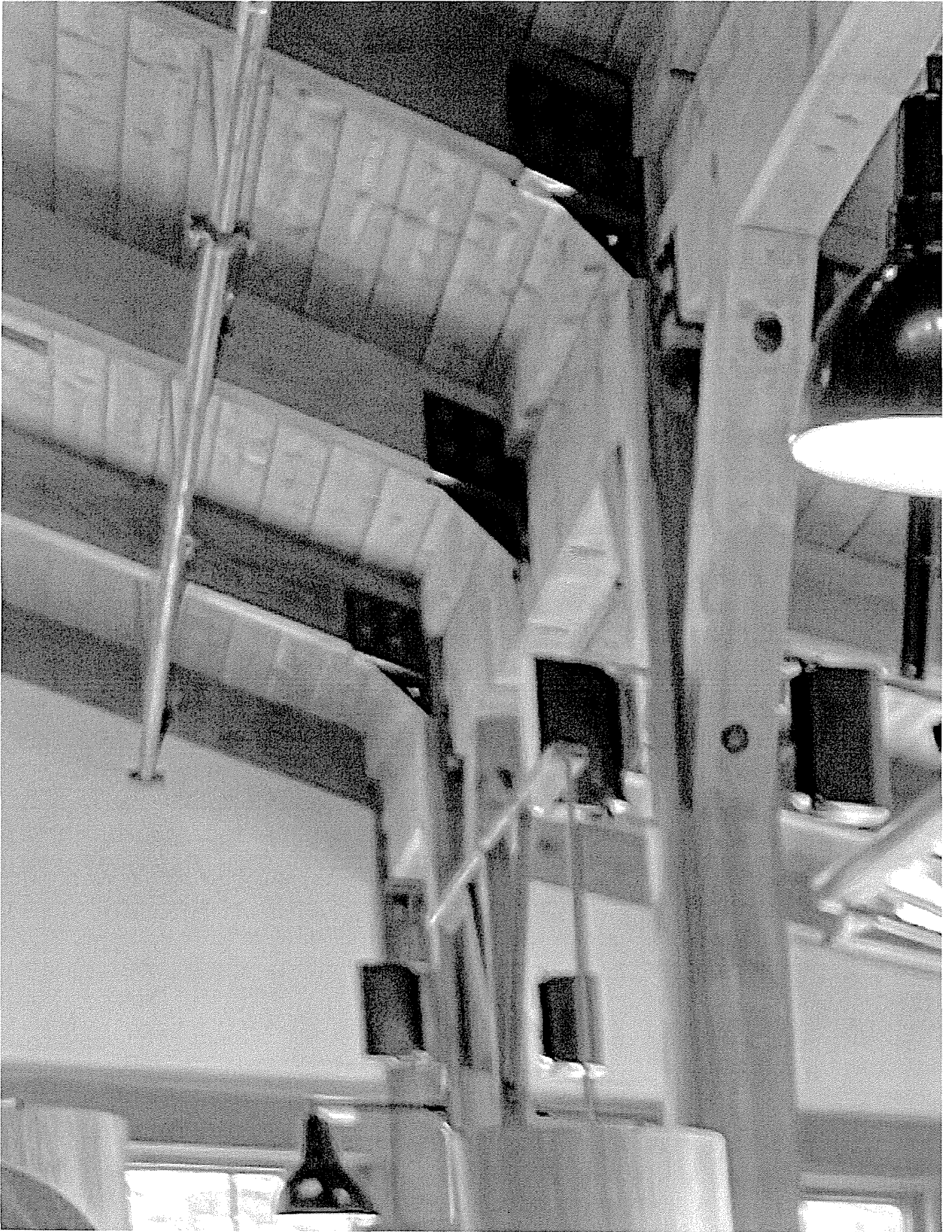
My husband and I are hoping to retire in a few years and spend half of our time at the cabin and the other half in a warmer climate. We are looking forward to having this cabin in our family for decades to come. Being able to continue to use our property as a short term rental will allow us to do that and to continue to contribute to the local economy in the County. Most STRs are owned by individuals or families and many would be adversely effected by restricting our right to use our property in the way we planned.

I urge you to not impose restrictions on STRs and focus on enforcement of already existing laws related to STRs , and also other laws that are often broken by non STR homeowners. I'd be happy to answer any questions if needed.

Below I'm sharing some photos of our family working on the cabin and dining in unlanscaped yard

Thank you for your consideration,
Karen Jackson
44935 2nd Avenue, Arch Cape, OR 97102









Karen Jackson
manager@awlpropertiesllc.com

Lynn Tone

From: Public Comments
Sent: Thursday, January 5, 2023 9:46 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Tillamook County Commissioners & STR Advisory Committee comments

From: Christine Iijima <christine@steveandchristine.com>
Sent: Tuesday, January 3, 2023 10:52 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Tillamook County Commissioners & STR Advisory Committee 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.]

To Whom it May Concern,

Recently I have heard concerns that corporations are taking over, buying property and renting without regulations. Many of us, including my family, are owners of a single property trying to make good use of a second home.

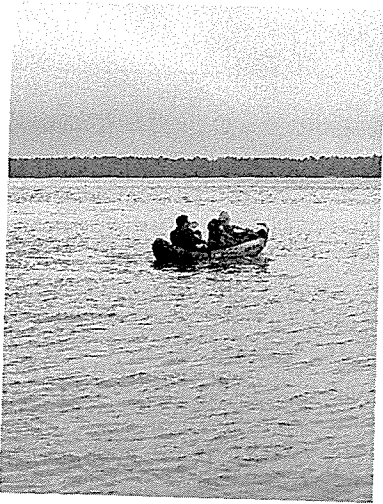
My family and I built a second home in Netarts and followed in my in-laws footsteps and rented the house to vacationers in order to help pay for the expenses of the house. We use the house for ourselves a couple of times a year as a home base for our daughters and hope to retire there one day. We are not a large corporation trying to make a profit. In 19 years, we made a profit in only one year. That is not a means to support all the expenses of the house. We rented it out ourselves for many years, but when the tax requirements and fees became more complicated, I finally resorted to using a property management company to help ease the burden. As far as I know, there has never been a complaint by neighbors of noise, parking or excess garbage by any of our renters.

Our home supports as many as 10 people and has parking for at least 4 vehicles. We have no other homes around us. We wish to comply with regulations so that we are not a burden on the community. Our home uses less water, septic and electricity than a full-time resident as it is occupied by renters about four months of the year. We do not overburden the local utilities or house capacity capabilities.

Our family works hard to keep the house in good working condition, and we use companies in the area, including landscapers, plumbers, appliance and furniture stores. We definitely support Rosenbergs. We eat at local restaurants and tour parts of the area. We support Tillamook's economy.

My property taxes reached \$7000 this year. We also pay 10% of the income from renters, \$250 to renew our Short Term Rental permit, and operator license fee of \$750 per year. Our rental income does not pay for mortgage, insurance and costs of upkeep. We are hoping there are fewer restrictions and fees to rent out our home.

In support of Tillamook County,
Steve & Christine Iijima
[Enjoying Netarts Bay]



Lynn Tone

From: Public Comments
Sent: Thursday, January 5, 2023 9:45 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR Owner

From: james farrow <jamesrcfarrow@gmail.com>
Sent: Tuesday, January 3, 2023 4:18 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STR 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.]

Hello, my wife and I own a STR in Oceanside and are using the property for some additional income before we move to the coast and retire. We love the community and respect our neighbors who have never complained. We are selective with our guests who we invite to explore the area and spend their money at local restaurants and stores. We also stay at STR when we travel. WHAT A GREAT SYSTEM!

James and Family.



Lynn Tone

From: Public Comments
Sent: Tuesday, January 3, 2023 7:46 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR regulations

From: Mock, Mandy J <mandy.j.mock@intel.com>
Sent: Monday, January 2, 2023 1:04 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Cc: MANDY.J.MOCK@GMAIL.COM; 'Jason (jasoncmock@yahoo.com)' <jasoncmock@yahoo.com>; Oceanside NA <oceansidefriends@gmail.com>
Subject: EXTERNAL: 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.]

Tillamook County STR Advisory Committee,

Thank you for taking the time to read this input. We are owners of a triplex in Oceanside that has 2 STR licenses on it. We purchased the property in Jan 2020, and have been working to remodel it since. We use the property for multiple things – one unit is a long term rental to the family of a construction worker. We also visit the coast frequently to use the properties ourselves. With the remodel completing soon, we will also start to rent out two units as STRs when we are not using them.

We bought the property based both on our desire to be able to enjoy it for our family use and the expectation that we would be able to offset the costs through the rentals. Changing that ability would be a significant hardship for our family's ability to continue to make the mortgage payments on the property. We've invested a lot in the property, renovating it from a crazy design and very poor maintenance to something that can be enjoyed by both us and others.

We do believe there is room for both STRs and long term residents in the community. From reading the many comments, it seems clear that most issues stem from complaints around parking, noise and garbage. We feel that it's critical for us to focus on resolving those issues vs limiting the number of STRs or the number of licenses a family can have. As well, it's clear to us that those kinds of issues can easily arise from any use of the houses – guests of owners cause these kinds of issues too.

To help with this, we think we should increase the enforcement of the issues mentioned above. We have a few proposals:

- 1) The current issue reporting system is really not adequate, as it relies on neighbors calling STR owners or management companies and them responding to the complaints. This can be difficult for small STR owners who are often some distance away. We would propose a small increase in STR taxes to fund hiring part time community representatives who could talk directly to STR guests if there is a noise issue.

- 2) Rather than mandating each STR have a parking space per bedroom +1, limit the numbers of cars they can have to the number of spots they have. And go back to the existing STR licensed houses and get them to put in parking if they don't have it in order to be able to renew the licenses. There are many units (for example on Portland Ave in Oceanside) that clearly don't have parking spots.
- 3) Work with the garbage company to enable 2x/week garbage service, including 'walk-up'. This means that the garbage service will come up to the house to get the cans vs them having to be at the street. It results in much more consistent pickup of the trash (since the current pickup frequently doesn't align with the days renters check in and out) and fewer issues with animals in the trash.

Let's address the real issues at hand. It's not about how many STRs there are vs long term owners or renters. It's really about making sure we are all treating our community respectfully and creating the type of environment we all want to live and vacation in.

Thanks,
Mandy & Jason Mock

Lynn Tone

From: Public Comments
Sent: Friday, December 30, 2022 1:24 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR Personal Story

From: Kim Braasch <kimmeelu@yahoo.com>
Sent: Friday, December 30, 2022 1:10 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STR Personal Story

[**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,

I have a STR permit in Tillamook County, and I'm a single woman working full time remotely from Manzanita. I live elsewhere each summer and rent my home through Vacasa each June, July, August and September. This income helps maintain my home and made it possible for me to buy a condo in California for my son. I can stay there in the summer and see friends and family in the area.

I grew up in Salem and always enjoyed visiting the coast with my family. My family and friends are welcome to visit while I'm here and I'm much less controlling about visitors since I turned my house over to others each summer.

A perk of leaving my home in the summer is living lightly in the summers and reviewing my stored possessions each year in October. No more messy build up of stuff!

Sincerely,
Kim Braasch, Captain's Quarters

Sent from Yahoo Mail on Android

Lynn Tone

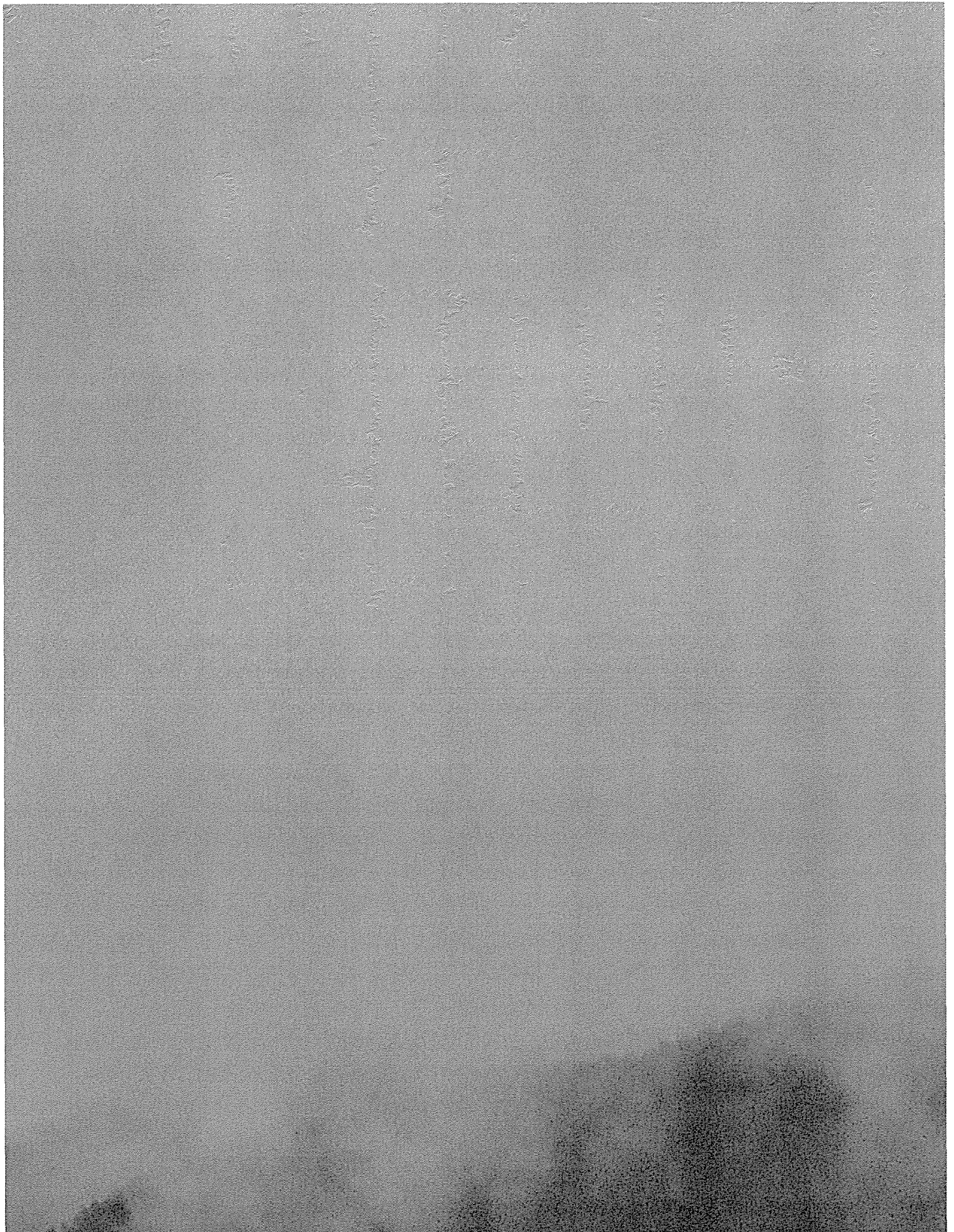
From: Public Comments
Sent: Friday, December 30, 2022 1:23 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Re: STR Personal Story

From: Kim Braasch <kimmeelu@yahoo.com>
Sent: Friday, December 30, 2022 1:17 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Re: STR Personal Story

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My STR and family fun at Captain's Quarters in Manzanita, OR.

Sent from Yahoo Mail on Android

On Fri, Dec 30, 2022 at 1:09 PM, Kim Braasch
<kimmeelu@yahoo.com> wrote:

Dear Tillamook County STR Advisory Committee,

I have a STR permit in Tillamook County, and I'm a single woman working full time remotely from Manzanita. I live elsewhere each summer and rent my home through Vacasa each June, July, August and September. This income helps maintain my home and made it possible for me to buy a condo in California for my son. I can stay there in the summer and see friends and family in the area.

I grew up in Salem and always enjoyed visiting the coast with my family. My family and friends are welcome to visit while I'm here and I'm much less controlling about visitors since I turned my house over to others each summer.

A perk of leaving my home in the summer is living lightly in the summers and reviewing my stored possessions each year in October. No more messy build up of stuff!

Sincerely,
Kim Braasch, Captain's Quarters

Sent from Yahoo Mail on Android

Rental Limitation Appeal – written comment

I am writing to offer my concerns about the current rental unit moratorium currently in effect.

I understand that a portion of the reasoning behind this matter is a likely shortage of workforce housing – a problem that exists throughout Oregon. However, our home in Shorepine Village has a real market value of \$875,000 and it is unlikely it would be accessible to workers seeking to buy a home. It is also unlikely that it would be affordable to member of the local workforce as a rental based upon ROI statistics.

In reading materials regarding the committee study in Tillamook County, there is reference to the fact the percentage of rentals in the Pacific City/Woods area is considered high. However, Pacific City/Woods is not a residential area – it is a tourist destination and provides considerable economic return based upon this fact. Tourists making short-term visits are unlikely to purchase a home but rather rely about the availability of rental units.

I don't know the exact impact of tourism on Pacific City but comparable to the number of rental units, I would suspect that tourism revenue is also disproportionately high compared with other segments of the Pacific City economic base.

When we built our home we were 60 years old. We also live in Pendleton. Now, twenty years later, the drive to Pacific City is considerably more challenging and in fact, presents both a hardship and a danger for senior citizens.

As a property owner in Pacific City, I too am concerned about the growing presence of tourists whether they are making day trips or occupying short-term rentals. However, we were well aware of that potential when we made a decision to build there. Pacific City is a desirable location which leads to its popularity. It's a tradeoff.

As homeowners we pay Tillamook County property taxes as well as utility fees to the PUD, garbage service, and water. Our streets are private and maintained by the homeowner's association.

In addition, the property tax does not take into account that by county action, the value of our home is impacted.

Earlier I used the term disproportionality. As non-residents, we are a valuable support to Tillamook County. We pay school taxes and bond issue fees but do not need the schools, we have minimal impact on roads, law enforcement, social services, health services, and administrative services, the justice system or libraries. In terms of county budget questions, I do not believe we are the villains because we give far more than we take.

Respectfully Submitted
George Murdock
Pendleton, Oregon

January 8, 2023

Tillamook County STR Advisory Committee:

Our family owns a beloved beach house in Neskowin with a STR permit. We have been asked to share our families personal stories to dispel the myth that permit holders are large corporations. The unfounded belief is they have moved in, purchased multiple homes and exploiting our neighborhoods for their financial gain. Why is this a concern when this appears to be non existent and no proof?

I find this approach to support the STR opposition offensive by having to continue to defend our property rights against another unfounded claim. County records should clearly show or indicate if corporations are in fact purchasing or own large numbers of STRS. I have been unable to find any documentation supporting corporate investment of STRS in our area.

Most permits are held by one group or person and very few have more than one permit.

Additionally, as a Realtor working on the Oregon Coast and Willamette Valley over the years, I have yet to see corporations take over any neighborhood in the markets I serve. It may have occurred someplace but not here.

It has also been said that some full time residents believe that part time residents do not contribute to the livability of our communities. STR owners are as much a part of this community on all levels as full time residents.

Our Neskowin neighborhood is comprised of 17 houses on our street. Of those homes 3 are full time, 11 are part time vacation homes and 3 are short term rentals. All 11 part time residents and all of the owners of the 3 short term rentals participate in our community.

We all have donated time, money, set up and managed fundraisers, managed many aspects of the golf course, holding free golf camps for kids, beach clean ups, installing life rings along the beach, filling in pot holes on Hawk St, 4th of July events, provide free community wide bbq dinners, live summertime music, traffic direction during flooding and so much more.

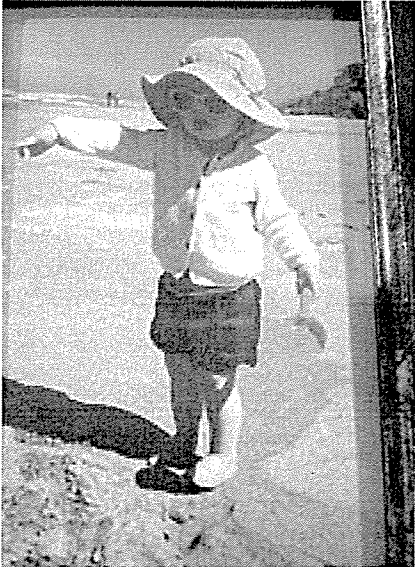
Our beach cottage was purchased for several reasons but most importantly to have a place where our family could enjoy the beach and make memories. Our family grew up in the Seaside/Astoria area so we have a very close bond with the Oregon Coast and wanted to share that with our family and friends.

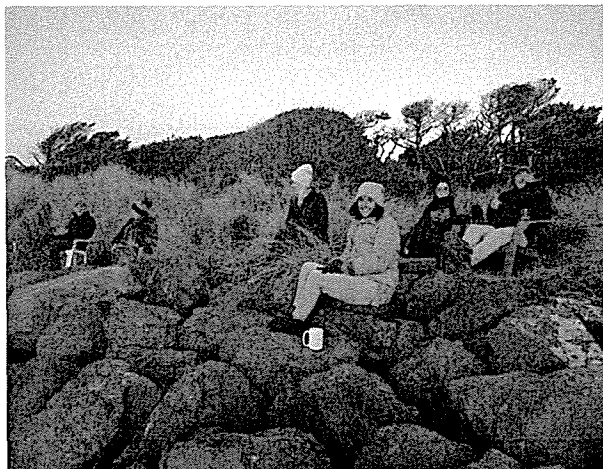
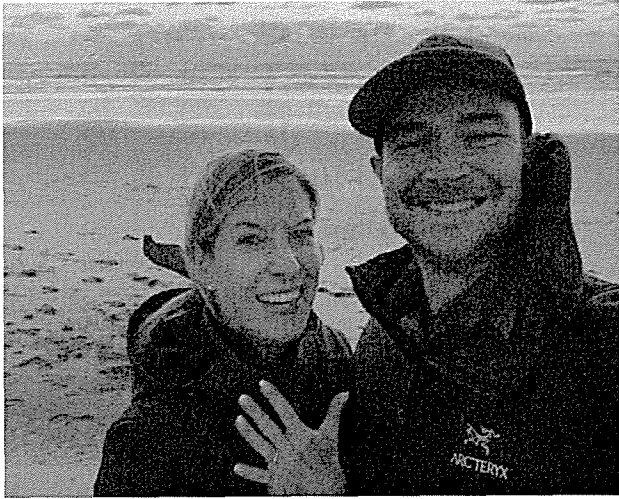
Just as important is our property rights, having the option to use our cottage as an STR if we so choose. That would include financial planning for our future, and providing our kids a way to offset overhead and not be forced to sell when they inherit the cottage upon our passing come to mind.

Our entire family enjoys our cottage for all holidays as well as many visits throughout the year. Most recently my Brother and his family brought their Son to visit while home from college. His first request was to go to the beach! Our Granddaughters have grown up here, and last March our Son proposed to our Daughter in Law at Proposal Rock. (see family pics below)

Tillamook County STRs are nothing close to being corporate owned. These are homes that are family owned, loved and enjoyed for many generations. We love our neighbors and community and we are all involved on many levels to make this a better place to live and play.

Dennis and Shelia Clark – Neskowin, OR & Florence, OR





To: Tillamook County Short Term Rental ordinance review

I write in support of needed changes to Ordinance 84. We have owned a home on Saghalié in Pacific City for over 20 years. Saghalié is a small cul-de-sac, with 5 homes and limited parking. The public portion of Saghalié needs to be unobstructed in order to provide access to first responders and medical vehicles as needed, delivery vehicles, law enforcement, access to homes, and general livability. Last year the county gave a permit for STR to investors who bought the house at 7250 Saghalié. The STR is managed by Meredith. The house has a two car garage and a parking apron for two additional vehicles. Because of its positioning on the street, vehicles parked behind the apron protrude into the street, interfering with or blocking access. It is common, however, for renters to not use the garage, and to park 4, 5, 6, even 8-10 vehicles outside, all but two of which are in the public street, which creates a dangerous congestion on the street. Complaints to Meredith about this are met with polite gaslighting. Complaints to renters invite confrontation. Meredith blames the renters, the renters blame Meredith, and the bad situation continues.

A large reason for this, and other livability problems, is the way Ordinance 84 is written. It provides the illusion of at least some regulation but is in fact toothless, almost as though written by realtors and STR management companies. For example, it provides that parking violators (I.e. renters who will by definition be leaving) can be ticketed and fined. Imagine calling the overworked Tillamook County sheriff's office to ask that an officer drive to Pacific City to issue a parking ticket! How effective can that be? The ordinance should put responsibility for this, and other violations, directly on the STR managers and owners in addition to renters. It should provide clear, easily enforced rules, such as: imposing fines of at least \$1000 per violation on owners and managers, placing their permit to rent on probation automatically upon the first violation, suspending the permit automatically upon the second violation, and revoking it automatically upon the third violation, with provisions for reinstatement only after a hearing (at which neighbors must be invited to testify). Permits should not be reinstated unless Owners and STR managers adopt clear, easily enforced rules to prevent future violations. Ordinance 84 as written puts the onus of enforcement, such as it is, on victims and -as to parking-on renters. It creates a lengthy and expensive process to challenge permits. This is a disincentive to homeowners impacted by violations to try and have them cured or stopped. It appears toothless and, to me, disingenuous.

I am concerned also about the potential liability of Tillamook County for its role in creating situations such as the parking danger mentioned above, by adopting illusory "regulations".

I also support the measures proposed by Save Our Neighborhood. I appreciate that STR taxes are nice, but that should be balanced with the safety, needs, and interests of us all. After all, we own homes here. We pay taxes too. We support our community. And we vote.

Jim Bartels, bartels.jim@gmail.com

January 8, 2023

Lynn Tone

From: Larry Jackson <jacksoda111@yahoo.com>
Sent: Sunday, January 8, 2023 3:24 PM
To: Lynn Tone
Cc: Sarah Absher
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.]

My name is Debbie Jackson and we own a home in Pacific City. Our house was the very first house to be built on the spit on Sunset Drive in 1952. My grandfather built this home himself as he acquired the money to build it. They lived in a army tent as he built the house (dedication). Both my grandparents were a huge part of Pacific City. My grandfather was a master fisherman/dory boat builder and his name is on the plaque located at the cap, Ted (Shorty) Howe. He was named by Oregon Sate University as the first master fisherman in Oregon

My grandmother had a local business where she sold hand made items she created.

My grandparents knew just about everyone in Pacific City. My grandfather was an area leader. he belonged to the group "Save Our Sands" in 1960 to relocate and transverse the PC Spit with a bridge and prevailed against the commissions plans and the southern portion of the spit is now known as Bob Straub Park.

As a child, my siblings and I would spend our summers with grandma and grandpa, and it was such a special time. After my grandparents passed away, the property went to my parents, and now is owned by my sister and myself. We have been part of this community for all our lives.

We have rented our home to friends and work acquaintances since the late 80's in order to pay for taxes and upkeep. We have had a rental permit for years and currently have our home rented thru VRBO and managed by a local property manager. We even have full time residences that rent our home for their families to be close for vacations. The income from this STR has allowed us to keep this home in the family, pay for taxes, monthly bills, remodels, improvements and to allow us to maintain the integrity of the home to benefit our full time live in neighbors all around us. We hire local business and purchase from local companies for all our needs, and spend many months at our home for vacations and maintenance.

I am a very concerned property owner at this time considering the options that are being considered by Tillamook County and the limitations being considered to my property.

- 1) Limitation of number of nights--- This could drastically decrease the income from our rent and not allow us to maintain the home, thus creating an eyesore for our neighbors and community.
- 2) Permit for Primary Residence--- How can I live here and still rent my home? How can I choose where to live? Divide my primary residence? Many people own second homes, and the coast is normal for people to own a vacation home.
- 3) Distance & Density Limits--- Don't understand how you can tell a property owner they can NOT rent their home. Most all rental properties are being managed by locals, thus providing jobs and consistency.
- 4) Establishment of a Cap--- Most of the rental HOMES, are rented to help pay for taxes and improvements. This creates tourism which creates revenue for all local business.
- 5) Transferability Prohibitions or Limitations-- This does not make sense, since many of the local homes have been in the family for years and as people die, they will need to sell. Again, 2nd homes are popular at the coast, and this would limit the sale of the home if they can not rent it to pay for taxes and upkeep.
- 6) STR Ownership Limitations-- I don't believe there are multiple corporate entities in the small town of Pacific City, however I don't know the percentage. My guess is most homes are privately owned.

As a loyal and long term residence of Pacific City, please take in account that many of the homes in this town are family owned and require STR to keep their property in good standing.

thank you,
Debbie Jackson

Lynn Tone

From: Maureen Bradley <bradleym04@gmail.com>
Sent: Sunday, January 8, 2023 10:31 AM
To: Lynn Tone
Subject: EXTERNAL: STR 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.]

Dear Lynn

Thank you for the work you are doing to collect feedback regarding short term rentals in Tillamook County. I am the owner of a home in Pacific City Heights who is completing a major remodel of my home. My desire has been to support the local economy and to use all local contractors and subs. I also wish to continue to offer it as a short term rental on a limited basis because the options are very slim in Tillamook county and, as someone who loves to visit the coast, I know this would be very frustrating if STR were no longer available.

I live in an area of Portland that allows short term rentals so I understand and completely agree with the need to be respectful to my neighbors. My goal is to keep my home looking beautiful and to limit the types of renters that come into my home. Because I have put a lot of high-end features into my home, I will never allow it to become a "party" house. There are several other STRs on my street and, knowing these neighbors, they are also very respectful of this practice and would not do anything to upset the neighborhood.

My belief is that STRs help the local economy in many ways as it encourages owners to keep their homes looking nice and to hire local workers. The more visitors we have at the coast, the more it helps our local businesses and restaurants, etc. I believe it would be a disservice to the local economy to restrict STRs.

Thank you,
Maureen Bradley
503-307-8091
7345 E. Summit
Pacific City

Lynn Tone

From: Candice & Gregory Miller <gandcm@gmail.com>
Sent: Saturday, January 7, 2023 12:36 PM
To: Public Comments; Sarah Absher; Lynn Tone
Subject: EXTERNAL: Upcoming January 10th 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 Ms. Absher, County Commissioners and Short-Term Rental Advisory Committee,

We are full-time residents and live in Neskowin, South Beach.

We totally support the statements in Mark Roberts public comment submitted for the May 3, 2022 meeting regarding code enforcement and improving the specifics in the current STR ordinances.

Further, there should be a set amount of TLT funds devoted to enforce and resolve STR related complaints. From our experience, many complaints are filtered as to when and who will come out to investigate. Often, the infractions occur during the weekend when the Community Development Office is closed. Law enforcement is more effective when it is immediate and not done days later.

An online database should be created that has all the contact information for any STR. Legible signs with that information should also be required on every STR property. If there is no signage, the permit should be suspended until one is installed and follows all guidelines. We also believe that this contact person/entity should be able to be at the property within the hour to address any complaint.

Create an easy method to file a complaint:

Please see the Newport OR link as a excellent example of an online Incident Complaint Form:

<https://lodging.munirevs.com/complaint/?cityid=572>

Remove the cap on the STR licensing fees. As inflation rises, so should the fees for STR permits. Since there appears to be no budget for STR regulation enforcement, the County needs to get up to speed in raising TLT funds to police STRs beyond the present and for the future.

We believe the County should also consider annual renewals for STR permits. It seems that once you are issued a permit, it doesn't matter how many complaints or regulations you break, you will have that permit in perpetuity. This is unacceptable.

Sincerely,

Candice & Gregory Miller

Lynn Tone

From: Public Comments
Sent: Friday, January 6, 2023 2:54 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Short Term Rentals

From: mej5225@aol.com <mej5225@aol.com>
Sent: Friday, January 6, 2023 12:24 PM
To: Public Comments <publiccomments@co.tillamook.or.us>; publicaffairs@vacasa.com
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.]

To county and state

The Oregon coast is public. And public access is long ago established.

Restriction on short term rentals will only serve to reduce public access to our public beaches.

Particularly in summertime, rental cost are at a premium and reducing rental availability will just drive up short term costs on whatever rental property is available while at the same reducing STR availability and hence reducing optimum beach access.

This will hurt owners who need to rent to own property by the beach like myself a retiree needing income.

This will violate rental property precedents in place when beach properties were purchased.

This hurts owners.

This hurts local tourist related businesses.

Care is needed when considering any change to STR for impacts on STR owners and local businesses.

The concerns are driven by Elite owners who no not need STR. !!!!

Thanks

Mitch Jones

Rockaway beach STR owner

Lynn Tone

From: Public Comments
Sent: Friday, January 6, 2023 12:09 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STRs in Tillamook County - Ordinance #84

From: Pam Statz <pamstatz@gmail.com>
Sent: Friday, January 6, 2023 10:02 AM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STRs in Tillamook County - 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.]

Tillamook County Board of Commissioners & STR Advisory Committee,

My husband, Justin Graham, and I own a STR, The Lazy Pine, at 8180 Nehalem Rd, Nehalem, OR 97131. We've been fortunate to own it for about five years and we love spending as much time at the house as we can with our family and friends. <https://www.vacasa.com/unit/84292>

The Lazy Pine is our only property other than our home in Portland. We couldn't afford it without the ability to offer it as a Short Term Rental. We rely on that money to help cover our mortgage and utilities. We also appreciate having vacation renters stay. I would hate to have it sit empty between our visits. Our home is meant to be enjoyed. 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. We take our duties as homeowners very seriously -- as seriously as our home in Portland. The safety of the community and our guests is our number one priority. We allow only two cars to park at 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 Rental) 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. Please keep families like mine in mind when re-evaluating Ordinance #84.

Thank you,
Pam Statz & Justin Graham

--
Pamela Statz
pamstatz@gmail.com

kindredcollab.com

415.577.9149

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

Lynn Tone

From: Public Comments
Sent: Friday, January 6, 2023 12:09 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Public Comment re: STR
Attachments: IMG-0875.jpg; IMG-0821.jpg

From: Brittany Newell <newell.brittany@gmail.com>
Sent: Friday, January 6, 2023 8:45 AM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Public Comment re: STR

[**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 Tillamook STR Advisory Committee,

One of my family's greatest treasures is our home in Tierra del Mar. We have enjoyed holidays, important family gatherings, and many joyful visits to the beautiful beach over the years. My Mom grew up attending camp westwind as a child, and worked there as a 19 year old, and I believe these experiences at the coast shaped her young adulthood and are probably why we have this special place in our family now. I am now so blessed to be able to bring my husband and two young boys to the beach to explore the sandy treasures along the coastline and to play outside. My Mom is a good neighbor and community member by contributing and communicating, and looking out for others. For example, last week she had the potholes filled in along our street because she saw that it needed to be done. And a neighbor noticed and thanked her. This kind of generosity and care seems to be a commonly shared value with many STR owners that we know. We rent our home to help cover the cost of repairs, taxes, utilities, etc. so that we can continue enjoying and sharing our special place. We do have a neighbor who does not share such a neighborly way, and it is a real bummer! We support evidence based regulation and rules for STR owners that support healthy and sustainable tourism.

Thank you for your time and attention,
Brittany Newell

Lynn Tone

From: Public Comments
Sent: Friday, January 6, 2023 12:08 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR Owner Comment to Tillamook County STR Advisory Committee

From: Colin Grey <cielodb@gmail.com>
Sent: Thursday, January 5, 2023 9:49 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STR Owner Comment to Tillamook County 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.]

To The Tillamook Co. STR Advisory Committee,

I would like to share my perspective as an owner of a small beach rental and as someone born and raised on the Oregon Coast. My wife and I own a very small (less than 500 square foot) one bedroom cabin in the Village in Oceanside. The cabin was built in 1940 and has always been used as a vacation home. This is the only vacation rental that we own and although it is a primary source of income for our family, we are not primarily real estate investors. We own this property because we want to be able to share the magic of the place where I grew up with our two young children.

Our vacation rental is managed by an extremely competent and caring local small business, Shore Thing LLC, owned by Monica Klobas who lives in Netarts. Our unit helps employ her manager Sarah as well as 11 housekeepers, and numerous other local maintenance/trades people. These are steady, year-round, decent-paying and flexible jobs that I know are a critical part of the local economy.

I was born in Seaside and grew up in Warrenton. My dad was a commercial shrimp fisherman and my mom worked in seafood processing. I remember the local economy before all the beach tourism. It was rough back then - always feast or famine. There might be decent money for a season and then the next year prices or the catch would be down and everyone was broke. I know a tourism economy has its frustrations but compared to fishing, logging and farming, tourism brings steady reliable jobs to a community.

I'm very sympathetic to concerns that locals have about the growing popularity of the Oregon Coast as a tourist destination. Along with all the benefits to the local economy, there are also drawbacks like rising housing costs. And short term rentals are an easy target. But the reality is that even if short term rentals are banned, the housing close to the beach is likely to get bought up by wealthy out-of-towners as vacation homes. It's unlikely that many of the former short term rentals will become low income or workforce housing. And homes that only get visited once a month don't contribute nearly as much to the local economy. Nor do they tend to be as concerned about "good neighbor" maintenance like controlling ivy and blackberries.

I am 100% in support of regulation that addresses nuisances associated with short term rentals, including all the current regulations, and additional common sense things like having a phone number posted to contact the manager if there are problem guests. And I think the taxes and fees on short term rentals should be high and that that money should go to the community. But I do not support regulation that limits the number of nights a place can be rented or bans short term rentals outright. If we were not able to rent our place year round, we would not be able to afford to keep

it. Which would mean we'd have to sell it to someone wealthy who could afford to keep a vacation home. It would mean our managers and cleaners would be out of a job. And the restaurants and small businesses that our guests patronize would lose much of their business.

I am hopeful that a collaborative approach can be found that would address the concerns of year round residents while maintaining the significant benefits that short term rental tourism brings to the local economy. Thank you for your consideration.

Kind Regards,

Colin Grey

--

Colin Grey
General Contractor
Cielo Design Build LLC
+1.503.804.4439
CCB: 181799

Lynn Tone

From: Public Comments
Sent: Friday, January 6, 2023 12:07 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR in Tillamook County
Attachments: IMG_2957 (2).jpg; IMG_6683.jpg; IMG_3074.jpg; IMG_2551.jpg

From: nilburn@aol.com <nilburn@aol.com>
Sent: Thursday, January 5, 2023 8:52 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 whom it may concern,

Our family owns a small cabin on the Nehalem River and we decided about a year ago to use it as a short term rental since we are not full time residents. Like most of the STR owners in the area we had to do many upgrades and improvements to the cabin so anyone renting it would have a safe and enjoyable experience. We had to fully furnish the cabin with not only new furniture but also dishes, pots, pans, appliances, linens, etc. in order to receive positive reviews and most of the furnishing came from the local vendors. We also had to upgrade plumbing, HVAC and electrical systems all using local contractors and even sourced local artwork. Like most reputable STR owners, they put in considerable time and money to make their rentals as desirable as possible to attract customers because this is what they demand. We would not have to spent this kind of money if it were a long term rental.

That being said, the reviews and feedback we have received over the past year have been very heartwarming and uplifting. We've had families that have commented on the wildlife as well as the natural beauty that Tillamook County has to offer. Since the cabin is on the river with a dock, families have been able to bring their boats, kayaks and SUP's to fully enjoy what river front living has to offer. The fishing, crabbing and sightseeing experiences they've shared with me makes us proud we opened our house for others that would have never been able to experience the Beauty of the Northern Oregon Coast. The STR renters we have targeted are people and families that are looking for a quiet, relaxing atmosphere to make memories that will last a lifetime. I truly hope we can continue sharing what we are fortunate enough to own with other people that will appreciate the beauty and bounty of Tillamook County.

I've also attached several pictures that STR renters have sent in sharing their experiences.

Sincerely,

Neil & Lyn Burniston

Lynn Tone

From: Public Comments
Sent: Friday, January 6, 2023 12:07 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Attn: Short Term Rental Committee

From: BONNIE MCDOWELL <chiroqueen704@msn.com>
Sent: Thursday, January 5, 2023 5:31 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Attn: Short Term Rental 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.]

January 4, 2023

Tillamook County Short Term Rental Committee

publiccomments@co.tillamook.or.us

My husband and I bought our beach house in Shorepine Village in 2019. We live in Forest Grove, OR, and have always loved spending time at the beach. We are semi-retired, and can spend long weekends at our beach house about once a month. We visit with our neighbors, walk the beach, buy groceries and enjoy local meals out. Some of our favorite spots include Chesters, The Beach Wok, The Riverhouse, The Oar House and of course, The Grateful Bread. We buy scones every time we're in town. We employ Vacasa and their local managers and housecleaners.

One grown daughter lives in Portland and is able to bring a few friends to the beach from time to time. The other daughter lives in New Jersey, but goes to the beach whenever she is in town.

Shorepine Village was designed as a vacation rental community, and would probably be a ghost community if short-term rentals were not allowed or restricted.

We believe that Tillamook County benefits from the revenue brought in by short-term renters. They buy groceries, eat out, book fishing trips, and spend money at the local shops.

We could not afford to keep the beach house if we could not rent it out. We understand the need for equitable regulations for short-term rentals, but we don't see that drastic measures need to be taken. Please consider keeping any changes in the regulations reasonable so that we all can continue to enjoy the Oregon coast.

Respectfully submitted,

Bonnie McDowell and Phil Zapf

6145 Beachcomber Lane, Pacific City, OR

Mailing address: 1116 Birch Street, Forest Grove, OR 97116

Lynn Tone

From: Public Comments
Sent: Friday, January 6, 2023 12:07 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STRs are Families!

From: Nicole Ralston <nicoleralston@gmail.com>
Sent: Thursday, January 5, 2023 4:31 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STRs are Families!

[**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 am the mom of one of two families who have recently built a home in the Dory Pointe community of Pacific City. We LOVE the coast and Pacific City, and were ECSTATIC to purchase a lot and start to make owning a home at the coast a reality in March, 2022. We broke ground on the home in May, 2022 and just a few weeks ago finished it and were able to stay in it for the first time!

Here's our 5 sweet kids from the two families enjoying Pacific City last weekend, staying in the house for the first time!



The ban on STRs has had a severe hardship on our families, however, as we bought and built this lot knowing we would need to reduce some of the steep costs of ownership by operating some short-term renting, otherwise we could never afford all of the costs year-round.

Please consider allowing those in process before the ban to obtain a STR permit, and please consider implementing changes quickly. We have already purchased a bear proof garbage can and definitely support making maximum occupancy limits based on bedroom (i.e., 2 per bedroom plus) and lots of efforts towards enforcing rules that are really impacting livability (i.e., garbage, noise, parking). Our main goal is to be a great neighbor, be a steward of the community, and to support the community as much as we can (we frequent small businesses often!).

We are just two families who love the beach. We are not seeking to make money, we are not a corporation. We just want to keep this beach house we spent the last year building and not have to sell it.

Thanks so much for your consideration and your efficiency,
Nicole Ralston

Lynn Tone

From: Public Comments
Sent: Friday, January 6, 2023 12:07 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: We support Short Term Rentals in Tillamook County
Attachments: oregoncoast (1).zip

From: Brian Johnson <bjadman@gmail.com>
Sent: Thursday, January 5, 2023 3:38 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: We support Short Term Rentals 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 whom it may concern,

My family recently was made aware of the hearing regarding Short Term Rentals in Tillamook County. We sincerely hope you will continue to allow these rentals as our family has had so many wonderful memories because we are able to stay specifically in Rockaway Beach for the past number of years. I grew up attending Camp Magruder and was also a Camp Counselor in High School. My family has been renting a home close to this camp in Rockaway Beach for the past number of years. We have celebrated our parents 50th Wedding Anniversary, met annually with our Book Group and even celebrated a wedding and honeymoon at this property. We would be lost if we did not have the opportunity to rent a home in this area. We are very respectful tenants and support all of the local businesses including the Sand Dollar, Grumpys Cafe, the local grocery store and even the Steam Engine train which we recently took a trip on to celebrate our parents' anniversary. We have visited the Tillamook Cheese Factory, Fred Meyer to stock up on groceries. We have purchased gifts at many of the local stores for family and friends. In other words, we are supporting the local business owners who I am sure rely on Families such as ours who visit for weekends. I have attached some photos to show you just how much we love this part of the Oregon Coast. Please consider our plea and continue to allow short term rentals.

Respectfully yours,

Brian C Johnson
5523 N Atlantic Ave
Portland, OR 97217
personal: bjadman@gmail.com
business: brian@bcjohnsonhomes.com
503-957-5587
www.bcjohnsonhomes.com

Lynn Tone

From: Public Comments
Sent: Friday, January 6, 2023 12:07 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Quality Family Time on the Oregon Coast

From: janetanddennis@gmail.com <janetanddennis@gmail.com>
Sent: Thursday, January 5, 2023 3:35 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Quality Family Time on the Oregon Coast

[**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,

We enjoyed several days on the Oregon Coast in the Rockaway Beach area at a short-term rental unit the last week of 2022. We were with two of our daughters and their families, bonding with grandchildren and their parents. This type of experience cannot be replicated easily in other places. We enjoyed every aspect of the experience: fixing meals together, putting puzzles together, exploring the beach and coastal areas to enjoy the wildlife and the beach, frequenting local stores and restaurants, and enjoying the quiet and serenity of the coast.

We hope that such opportunities are protected and available to families and others into the future.

Here are some photos of our group putting together a puzzle and enjoying the winter beach experience: