



Land of Cheese, Trees and Ocean Breeze

Tillamook County

Short Term Rental Advisory Committee Report

Board of County Commissioner Hearing Dates:
May 30, 2023, at 5:30pm and June 13, 2023, at 5:30pm

Location:
Port of Tillamook Bay Conference Center, 4000 Blimp Boulevard, Tillamook, Oregon.

Report Prepared by: Sarah Absher, CFM, Director 
Date: May 23, 2023

Introduction & Background: In 2009, the Tillamook County Commissioners adopted a countywide ordinance to regulate the use of private homes as short-term rentals (“STRs”) in the unincorporated areas of Tillamook County.

The Tillamook County Short Term Rental Advisory Committee (STRAC) was formed by the Tillamook County Board of Commissioners on July 18, 2018, at the request of the Department of Community Development in response to the rapid growth and increase in the number of Short-Term Rentals within the unincorporated areas of Tillamook County and in response to concerns related to short-term rentals raised by unincorporated community residents. The Board found that the significant number of short-term rental properties in the unincorporated communities of Tillamook County to be a concern to many community members and desired to establish a committee to advise and recommend solutions to issues related to short-term rental properties in the unincorporated communities of Tillamook County. Ordinance 84 was amended in 2019 to include additional regulations recommended by the STRAC. As part of this process, a list of recommended actions for further consideration by the STRAC and County included consideration of a multi-family dwelling prohibition for use as STRs, parking requirements, maximum occupancy, development of a good neighbor policy, STR permit fee increases to assist with code enforcement and

evolution of program management and consideration of establishment of caps on the number of STRs in unincorporated Tillamook County.

The STRAC was called to action again in late 2021 and was expanded for broader representation of communities and industry stakeholders (Exhibit B). The STRAC began meeting early 2022 to study livability issues and address community concerns related to STRs and tasked by the Board of County Commissioners to provide recommendations for amendments to better address these concerns and mitigate livability issues. The Board of County Commissioners also passed a temporary suspension on issuance of new short-term rental permits and processing of short-term rental applications for new permits while the County worked to identify strategies to mitigate the livability impacts of STRs in unincorporated areas of Tillamook County (Exhibit C).

Tillamook County Board Order #22-033, in the matter of temporarily suspending the processing and issuance of new Short-Term Rental Permits in Unincorporated Tillamook County, did not impact operation or activity of existing permitted STRs and did not suspend processing and issuance of transfers of existing permitted STRs.

Consideration of future action items listed in the 2018 STRAC report have also been folded into the 2022 STRAC process with the exception of the development of a good neighbor policy. Development of this policy was completed in 2021 and was a collaborative effort with the Tillamook County Visitor's Association, vacation rental management companies and members from unincorporated communities.

The public hearings have been scheduled and publicly noticed in the Tillamook Headlight Herald and posted pursuant to ORS 203.045(5). Notice of public hearings were also mailed to all licensed STR owners of record and operators. Notice of public hearings was also emailed to County CACs for membership distribution.

The STRAC process is outlined below. The proceedings for these meetings, public comments received, audio recordings of meetings and all related meeting materials can be found on the STRAC page: <https://www.co.tillamook.or.us/commdev/page/short-term-rental-advisory-committee>.

STRAC Process: The STRAC held a kick-off meeting on February 1, 2022, and continued to meet monthly through May 9, 2023. All meetings were publicly advertised and were conducted in meeting hybrid format to afford both in-person and virtual public participation. Monthly meetings were initially held at the Tillamook Library and later moved to the Port of Tillamook Bay due to the high number of in-person attendees. Notice of each meeting, meeting materials and meeting summary documents have been posted on the Community Development website under the Short-Term Rental Advisory Committee link for public access and review. These meetings have been well attended by the public and public participation has been welcomed.

Early conversations and committee engagement focused on development of a collaborative process, established committee goals, and identified community interests as well as self-interests. The outcome of this committee work is included in "Exhibit D" of this report. The committee found that many interests overlapped, including enforcement, regulation and public safety; economics, tourism and housing; as well as quality of experience for residents and guests in communities as well as value in community relationships. The top three interests of the committee were focused on community livability, enforcement and public safety (Exhibit D).

The STRAC also developed nine (9) goals. These goals are as follows:

- Develop consistency with regulations.
- Create appropriate rules and enforce them.
- Promote livability in communities.
- Support community interests.
- Develop a deeper understanding of the economic role of STRs in Tillamook County.

- Public Safety.
- Emergency Preparedness.
- Funding sources for STR program support and community livability.
- STR Operator License Fee
 - Funding for housing
 - Funding for public safety
 - Funding support for STR program.

STRAC meetings held May through October consisted of educational panels and listening sessions to better understand community livability issues, the economic role of STRs in Tillamook County and code enforcement. The May 2022 code enforcement presentation slides and complaint/violation data is included as “Exhibit E”. This presentation was later used to develop updated code enforcement procedures as reflected in the Ordinance amendments. Data collected and shared in this presentation includes a description of the nature of complaints from 2020 to summer 2022. The conclusion of the presentation was that there has not been an adequate way to collect compliant data under the current structure of the STR ordinance. Complaints are currently made directly to the STR owner or contact person and are not documented by the County. The data included in the May 2022 presentation slides include documentation of complaints made directly to the County and to 911. Violation of signage requirements continues to be the most prevalent ordinance violation (Exhibit E).

The June 2022 meeting focused on implementation of the pause with continued discussion on the enforcement section of Ordinance 84. It was concluded that a different approach to receiving, monitoring and addressing complaints was needed. The County began working with Granicus on exploration of code enforcement support services. These services are now reflected in the Ordinance draft amendments and include development of a 24/7 hotline.

Community representatives from Tillamook County unincorporated communities visited with the STRAC in July 2022. A series of questions were developed with Community Advisory Committee (CAC) Chairs in preparation for this meeting. The questions were as follows:

- *Please describe what “community livability” means to your community and/or what are the most important elements of a community that create positive “livability”?*
- *What are the most common or prevalent complaints from STR’s by community members within your community? Are these complaints widespread or limited to and frequent to specific STRs within your community?*
- *Please name two changes, modifications or additions to the program your community feels would be the most effective in helping to promote community livability?*
- *Would your community support implementation of a cap on STRs?*

Neahkahnie, Neskowin and Oceanside communities recently completed community surveys as part of this process. Surveys are found in “Exhibit F” of this report. Some of the survey results have been bifurcated to highlight differences in results between full-time residents and those residents who are not full-time residents or who own an STR.

Industry representatives met with the STRAC in September. A presentation on economic benefits of the industry was made by Nan Devlin, Executive Director, Tillamook County Visitors Association (Exhibit G). STR management company representatives also visited with the STRAC and comments on the County’s STR program were also shared by Jason Brandt, President & CEO, Oregon Restaurant Lodging Association. STR industry representatives shared best practices for operation and management of STRs, with the majority also sharing their desire for a stronger enforcement program that also supports STR owners and managers who are trying to do a good

job. Rental experiences where stronger enforcement would have better supported managers trying to address noise complaints, parking and other non-criminal activities were shared with the STRAC.

August, October, November and December 2022 meetings were focused on existing Ordinance language with discussion on establishment of caps, discussion of permit transfers, whether or not STR permits were a property right and land use matter, discussion of daytime events at STRs and discussion of whether or not STRs are considered to be a business.

Staff compiled the feedback from all meetings that took place from May 2022 through December 2022, and worked with Counsel in development of draft regulations to address community livability concerns, strengthen the County's enforcement portion of the program, and address public safety concerns. Staff presented the first of several draft amendments to the STRAC at the January 2023 public meeting. The draft amendments were developed from the following:

- Committee goals and interests
- Committee feedback in review of existing ordinance language
- Community feedback from the June STRAC meeting and community surveys
- Public comments received related to community livability issues

Two regulatory tools to address growth management of STRs in unincorporated communities were also included in the initial draft. One tool was the establishment of caps on properties within city urban growth boundaries (UGBs) and unincorporated communities. The second tool was a distance and density provision to limit the number of STRs in an area where a geographic boundary had not been established (i.e. properties outside unincorporated community boundaries and UGBs). While several growth management and reduction tools had been presented to the STRAC, the two tools included in the January 2023 draft ordinance were those most often discussed in meetings and in public comments.

STRAC meetings from February through May have focused on amendments to the draft and examination of those sections of the draft related to livability issues and community concerns related to STRs. Copies of draft amendments reflecting action taken by the STRAC can be found on the Short-Term Rental Advisory Committee page: <https://www.co.tillamook.or.us/commdev/page/short-term-rental-advisory-committee>. Copies of audio recordings of the meetings can also be found on the bottom of the page.

Draft Amendment Discussion: Ordinance 84 includes amendment proposals both to the text of the ordinance and the structure of the ordinance. The proposed restructuring of the ordinance is at the request of staff for better organization and flow. A table of contents was added for organization and easy reference to applicable sections of the ordinance. A matrix outlining the summary of amendments was provided to the STRAC at the January and February 2023 meetings, and a copy of the matrix is included as “Exhibit H” of this report. STRAC members were encouraged to utilize the “meets intent” column during their review of draft amendments in preparation for committee discussions.

Section 020: Purpose and Scope. The purpose and scope section were reviewed by the STRAC. While the language captured in the purpose statement was passed by consensus, it should be noted that some committee members felt the purpose statement should have a narrower focus on regulation of STRs. Some committee members also felt the economic value of STRs was not adequately highlighted in the purpose statement, and that language related to housing should not be included in the purpose statement.

Section 030: Definitions. Definitions were reviewed for applicability and function. Those definitions not carried out or applied to the Ordinance were removed. The STRAC spent a significant amount of time discussing definition language for a “bedroom”, “change in ownership”, “estate home”, “owner” and “transfer”. Each of these definitions is discussed in greater detail below.

The proposed definition of “bedroom” is outlined below. The STRAC is proposing that the maximum occupancy for a STR change from determination of the number “sleeping areas” to the number of bedrooms. This proposed change is driven by opinion of some STRAC members and Department staff that bedrooms are the areas in a dwelling intended for sleeping, and that areas outside of bedrooms should not be calculated into maximum occupancy of a STR. Support for calculation of maximum occupancy by bedroom is also reflected in public comments and community surveys made part of the record for these proceedings.

The proposed definition of “bedroom” is a compilation of STR regulations utilized in STR programs in Oregon and elsewhere in the nation. Input from Building Division staff in review of the Oregon Residential Specialty Code is also reflected in this definition. The STRAC supports the following definition by majority vote:

- Light, ventilation, and heating (ORSC R303.1)
- An emergency escape and rescue opening (ORSC R310)
- A built-in closet, clothing closet organizer, armoire or similar clothing rack or clothing storage unit.
- A smoke alarm (ORSC R314.3 item 1)
- A carbon monoxide detector (ORSC R315.3) where required.
- All sleeping areas used as a bedroom in a short-term rental must be permitted for that use, and no areas may be converted to use as a bedroom without demonstration of compliance with this Ordinance.

Committee members not in support of this definition had several concerns. Some committee members felt it was unnecessary to add the requirement for a built-in closet, clothing closet organizer, armoire or similar clothing rack or clothing storage unit, arguing that bedrooms in older homes were not built with a closet and this requirement was too restrictive. Concerns were also expressed that the addition of a closet or clothing storage unit requirement would no longer allow lofts and other areas currently used as sleeping areas in older homes, potentially impacting maximum occupancy determinations for existing permitted STRs. Other committee members were of the opinion that a bedroom is not a bedroom without a closet feature, citing that there was too much ambiguity in reference to an armoire or similar clothing rack or clothing storage unit. Concerns were also raised that allowing for similar clothing racks or clothing storage units defeated the purpose of addressing high occupancy concerns of STRs, and that this language continued to allow higher occupancy rates where they should not be permitted.

Further review of the definition by staff included additional amendments. The definition below is a slight modification to the definition the STRAC has accepted by majority vote. Amendments are in bold:

- Light, ventilation, and heating (ORSC R303.1)
- **A minimum of 70 square feet of floor space and not less than 7 feet in any horizontal dimension (ORSC R304.1).**
- An emergency escape and rescue opening (ORSC R310)
- A built-in closet, clothing closet organizer, armoire or similar clothing rack or clothing storage unit.
- A smoke alarm (ORSC R314.3) **where required.**
- A carbon monoxide detector (ORSC R315.3) where required.
- All sleeping areas used as a bedroom in a short-term rental must be permitted for that use, and no areas may be converted to a bedroom without demonstration of compliance with this Ordinance.

The minimum area dimensions are recommended by Building Division staff to ensure closet areas are not converted into bedrooms. Previous versions of the draft language included a minimum area requirement for overnight occupancy, 50 square feet of floor area per person if more than one person is intended to occupy the bedroom. After further consideration by building division staff, it was concluded that the minimum 70 square foot floor space requirement establishes bedroom dimensions of 7-feet by 10-feet and could be considered adequate area for a

bedroom with occupancy of two guests. The “where required” language for a smoke alarm was also added for consistency with the “where required” language for a carbon monoxide detector.

“Change of Property Ownership”, “Owner” and “Transfer” are interrelated, and establish what constitutes a change of ownership of property where a STR License has been issued. “Change of Property Ownership” definition means *the transfer of title from one person to another*. The STRAC accepted this definition by consensus.

The STRAC spent a significant amount of time working through a definition for “owner”. The definition language included in the January draft meant, *the natural person or legal entity that owns and holds legal or equitable title to the property. If the owner is a business entity such as a partnership, corporation, limited liability company, limited partnership, limited liability partnership, trust or similar entity, all persons who own an interest in that business shall be considered an owner for purposes of this Ordinance*.

By STRAC majority vote, the definition of “owner” was amended to mean, *the natural person or legal entity that owns and holds legal or equitable title to the property*. This definition was modified to account for family STRs held in trust or a corporation and allow for agents or members to change without resulting in a change of ownership. While some STRAC members were satisfied with the amendments to ensure properties could remain in family ownership, other committee members were concerned that this definition would allow for corporations to hold STR permits for properties in perpetuity even though the agents and representatives for a corporation may change over time.

Similarly, the STRAC spent a significant amount of time working through a definition for “transfer”. The definition language for a “transfer” included in the January draft meant *the addition or substitution of owners not included on the original registration application, whether or not there is consideration. If multiple owners are listed on a registration certificate, individual owners may be removed from the certificate without constituting a transfer*.

By STRAC majority vote, the definition of “transfer” was amended to mean, *a change in ownership of the property where the dwelling licensed as a Short-Term Rental is located that occurs after the effective date of this ordinance. A change in ownership does not include a change in owners on title resulting from death, divorce, marriage or inheritance*. This definition was amended by majority vote to ensure continued use of a family held STR through significant life changes or inheritance that would not result in a change of ownership and potential loss of STR license should transfer of a STR license no longer be permitted.

A definition for “estate” homes was added in response to concerns about the number of occupancy of larger homes resulting in community livability issues. An “estate home” means *a single-family dwelling with five (5) or more bedrooms*. This definition is significant as it relates to maximum occupancy regulations found later in the ordinance.

Some existing definitions were slightly modified or expanded upon to better reflect meaning or intent. New definitions for “good cause”, “Good Neighbor Policy”, “Road Authority”, “road right-of-way” and “Short-Term Rental Hearings Officer” were added to the definition section of the Ordinance to support regulatory language contained in the Ordinance draft.

Section 040: Annual Short-Term Rental License Required, Basic Requirements for License, No Non-Conforming Use Status Conferred. Subsections (A) and (B) were not reviewed by the STRAC and are recommended by Counsel. Subsection (C) refers to caps and is the growth management tool recommended by the STRAC to the Board of County Commissioners. At the direction of Counsel, staff did not include percentage caps in this language. It is recommended that the cap percentages be established through a separate Board Order or Resolution. The language contained in Subsection (C) includes the process for applications that may be assigned to a waitlist if the cap percentage for a specific community or UGB has been met.

Section 050: License Application and Fees. Subsection (A) outlines existing and proposed requirements for application submittal, requiring a site plan and floor plan of the STR, updates notification procedures to neighbors, and includes the requirement for an executed indemnification and hold harmless agreement. Draft language did initially include requirement for a local contact person that was removed due to lack of support of the STRAC. It was recognized by the STRAC that there are several non-local contact persons and owners who effectively manage their STRs, and that there wasn't adequate complaint data to support the requirement for all STRs to have a local contact person.

Subsection (B) authorizes the STR Administrator or their designee to conduct a site visit and inspection of the STR at the time of initial application, license renewal or during operation of a dwelling as a STR.

Subsection (C) is new and provides a timeline for submittal of missing required information so that an application can be reviewed by the Department.

Subsection (D) contains fees for review of new applications, renewals, inspections and a fee for additional review of a STR license resulting from requested alterations to an existing license.

The STRAC reviewed the language of this section. Concerns were raised in relation to the indemnification and hold harmless agreement. Some committee members felt this requirement was excessive and given requirements for an inspection, that the County should also have responsibility should there be an issue with a STR. Staff reminded the committee that inspections are not invasive or destructive and are limited to the inspection requirements outlined in the Ordinance.

Section .060: Term of Annual License and Renewal. STR licenses are currently valid for one (1) year, and there is no proposal to change this provision. The STRAC discussed transfer of STR Licenses at great length throughout the committee process. Several hours of discussion and data to understand how many ownership transfers happen each year was evaluated by the STRAC. A copy of the ownership transfer data is included as "Exhibit I" of this report.

While many other sections under review by the STRAC were completed by consensus or strong majority vote, the topic of transferability of STR Licenses was divided with a majority vote by only one or two votes. The definitions for "ownership" and "transfer" were applied during the committee's exploration of various options for transfers (or prohibiting them all together). The committee could not reach consensus on any option and the strongest majority vote was for not allowing transfer of new STR Licenses issued after adoption of any ordinance provisions. The draft language reflects the options determined through majority vote, passing with a vote of 6 in favor and 5 opposed.

Options for transferability considered by the STRAC included the following:

- Prohibition of transfer for any STR License
- Prohibition of transfer for newly issued STR Licenses
- Allowance of 1 transfer for any STR License
- Allowance of 2 transfers for any STR License
- Allowance of 1 transfer for existing STR License
- Allowance of 2 transfers for existing STR License
- Allowance of unlimited transfers for any STR License- especially those licenses where there have been no complaints or enforcement issues.

It was also noted that consideration of limiting transfers is only relevant if a cap or growth management tool is implemented. Without implementation of a growth management tool, future transfers of STR licenses would not

need to be examined. Some committee members felt that STR Licenses should not be considered a property asset. Others felt that limiting or prohibiting transfers is denial of a property right and is a taking of right.

Section .070: Application Required and Burden for Application Approval and Renewal. Relevant additions to this section include updated parking requirements and codifies a process for review of on-street parking proposals through the Tillamook County Public Works Department in coordination with the local fire district. Draft language initially included a prohibition for on-street parking in response to community livability and public safety concerns. After further discussion with the STRAC and the Tillamook County Public Works Department, it was determined that on-street parking could continue to be allowed through a formal review process to mitigate transportation concerns.

Proposed language includes establishment of minimum parking space dimensions for off-street and on-street parking. These dimensions were determined by staff and the Tillamook County Public Works Director. STRAC members expressed concern over proposed parking area dimension requirements not previously included for review of parking spaces. Committee members were concerned that existing licensed STRs may not meet updated parking requirements at time of license renewal due to newly imposed parking space dimension requirements, risking ability for existing licenses to be renewed. It was also acknowledged that previously determined maximum occupancy limits may be reduced as a result of a reduction of parking spaces due to compliance with new parking space dimension requirements. While the majority vote of the STRAC was to implement parking space dimension requirements, it should also be noted several committee members were concerned about how these new requirements will impact on-street and off-street parking allowances for existing licensed STRs.

The updated parking requirements proposed in this section have been developed to address community livability concerns and mitigate public safety concerns. The Department does not have adequate data available at this time to determine impacts, if any, that may affect renewals of existing licensed STRs or maximum occupancy of STRs. The Department will begin an assessment of potential impacts to existing licensed STRs following adoption of ordinance language related to parking standards, and will continue to work with the Tillamook County Public Works Department and fire districts to further assess traffic issues as they relate to public safety.

Proof is required for use of a garage for parking to confirm garage space can be dedicated to meet parking requirements. Draft language also includes a proposal that a parking diagram be provided to renters and posted within a prominent location with the STR.

Existing language requires compliance with County Ordinances 74 and 75 for Transient Lodging Tax filing compliance and continues to require inspections at initial licensing and every three years. Both the STAC and Department staff evaluated the inspection timeline and find the three-year inspection timeframe is adequate. No changes to these requirements are proposed.

Section .080: Operation Requirements and Standards for Short-Term Rentals. Limitations for daytime and nighttime occupancy are established in this section. The amended definition for a “bedroom” was applied during the conversations as well as the definition for an “estate home”. Maximum occupancy for nighttime guests is two (2) persons per bedroom plus two (2) additional persons. By majority vote, the STRAC also proposes to allow for up to three (3) additional children aged 12 and under. The reason for this allowance is to offset impacts to maximum occupancy of existing STRS where sleeping areas such as lofts or dens have been used to calculate maximum occupancy. Committee members also felt this allowance encourages family occupancy and family use of STRs.

A limitation on the number of nighttime guests was established for “estate homes”, defined as a home with 5 or more bedrooms. Maximum nighttime occupancy is limited to 14 guests with an additional allowance for 3 children under the age of 12.

Data collected by the Department shows the number of rentals within various maximum occupancy categories. Data confirms the majority of licensed STRs in unincorporated Tillamook County (roughly 85%) accommodate 10 or fewer guests (Exhibit J). Data confirms at least 29 existing licensed STRs will be impacted by the proposed maximum occupancy limitation of up to 14 guests, and it is recognized that some of the 151 licensed STRs accommodating 11-15 guests may be impacted. Impacts are minimized or negated by the additional allowance of up to three (3) children aged 12 or under.

The STRAC acknowledged daytime use of a STR may include guests and daytime occupancy limits were established. Daytime and nighttime occupancy limits coincide with daytime and quiet time hours of 7:00am to 10:00pm and 10:00pm to 7:00am the next day, respectively.

The proposed language in this section was passed by either a strong majority vote or consensus. Dissenting votes were not supportive of allowing two additional persons and three children, stating that these allowances do not address existing community livability (occupancy) concerns and may increase occupancy in some STRs.

The STRAC also considered proposals for allowing exceptions to the maximum occupancy limitations for estate homes, specifically homes in remote areas or homes located on large areas of land where the size of the property mitigates offsite impacts to surrounding neighbors. This proposal was of interest to committee members and staff will continue to work with Counsel on ordinance language to allow exceptions for these properties. To date, there are no proposals developed due to challenges with development of exception criteria that do not fall within the framework of a land use decision.

Notable amendment to parking requirements is the proposal to require one (1) parking space per bedroom, an amendment to the existing one (1) space per sleeping area. Language to encourage off-street parking is included. Also included is an option to allow off-site parking for a STR within 500 feet of the licensed STR provided a shared parking agreement between the STR owner and landowner is submitted to the Department. Concerns of conversion of residential properties converted to parking lots were raised by some committee and community members. To address these concerns, staff and counsel are proposing that no more than two (2) parking spaces be allowed for off-site parking.

The STRAC also reviewed language proposals to address community livability concerns related to noise. The majority vote was achieved with incorporation of the terms “unreasonable” and “unreasonably sustained” noise. Action language was also added, requiring a 30-minute response time by the contact person to address any daytime noise complaints.

Some STRAC members expressed concerns that daytime noise regulations are difficult to enforce, and that STR properties will be held to a higher standard than other properties in the vicinity. Committee members felt that the best way to address community livability concerns related to noise was through implementation of a County noise ordinance, effective in equal enforcement to all properties in unincorporated communities. Committee members also felt that the proposed language was punitive to STR owners by inability to address noise complaints to the satisfaction to the complainant’s discretion. Staff explained current limitations on adoption and enforcement of a County-wide noise ordinance. The language for daytime noise regulations was softened to better address concerns expressed by STRAC members.

Noise prohibition language during quiet hours was also expanded from what is in the current ordinance and received a majority vote by committee members. The terms “amplified” and “unreasonable” were used in this subsection. Staff continue to work with recommendations by Counsel to better address livability concerns related to noise.

Staff and Counsel do have concerns related to enforcement of “unreasonable” and “unreasonably sustained” noise. Counsel’s thoughts on this matter are captured in a memorandum included as “Exhibit M” of this report. Staff and Counsel will be prepared to visit with the Board during the hearing proceedings.

Fire and life safety inspection requirements are outlined in subsections (K) and (L) of Section .080. Amendments to this section include a requirement for a licensed electrician to complete electrical work for dwellings used as a STR. This requirement is recommended by Building Division staff to mitigate fire and life safety risk. A standard for exterior lighting has been included to mitigate light pollution (glare) onto adjacent properties.

Solid waste collection and management provisions were reviewed by the STRAC. The STRAC considered language requirements for use of bear-proof cans to better address urban/wildlife conflicts in residential neighborhoods. It was concluded that any proposed language requirements focus on secure garbage containers so that containers remain in compliance with franchise requirements. New language has been added to require garbage containers not be left outside beyond pick-up day/time and that garbage not be placed outside of designated carts/cans. The proposed language of this section was passed by STRAC consensus.

The STRAC also agreed to the amendments related to interior and exterior posting by consensus. Mandatory posting language can be found as subsections (N) and (O). Minor amendments have been made to mandatory interior postings. Language has been added to require the County's 24/7 non-emergency number (STR Hotline) be included on the interior posting. The interior posting document is provided to the owner or contact person at the time of STR License issuance or renewal by the STR Administrator. Upon adoption of this language, the forms issued to STR owners and operators will be updated by the STR Administrator to reflect any adopted amendments.

Exterior signage is required for use of a dwelling as a STR. Ordinance 84 currently requires that exterior signage be posted for the duration of time the dwelling is licensed as a STR. Language is proposed to require exterior signage be of adequate size so that required information can be easily read from road right-of-way. Also included is a requirement that the County's 24/7 non-emergency number (STR Hotline) be included on exterior signage. Exterior signage is not furnished by the Department. Development and installation are the responsibility of the STR owner or operator. Due to various company marketing strategies and CCR standards, it was determined during the previous amendment process that development of exterior signage be the requirement of the STR owner or operator.

In addition to the exterior signage requirements, the STRAC strongly recommends an online registry of licensed STRs in unincorporated Tillamook County be posted on the Department website so neighbors and others can easily find pertinent information for licensed STRs. STRAC requests that the owner, contact person, contact information, property address, occupancy maximum and parking maximum be included in the online registry for each STR. This recommendation is in response to community member concerns of approaching STR properties or being unable to read exterior signage without entering the property.

The Department supports this request and, with Board consent, would like to move forward with development of an online registry. The registry can be maintained in-house and updated on a regular basis.

Subsections (P) and (Q) identify types of transient, non-permanent and temporary shelters prohibited from being used as a STR. This language is currently within Ordinance 84 but has been amended for further clarification. Also included is a prohibition of use of an Accessory Dwelling Unit (ADU) as a STR. This prohibition has been included in response to community concerns related to lack of available workforce housing and loss of housing due to conversion of dwellings to STRs. These prohibitions were supported by STRAC consensus.

.090: Additional Inspections Required. This section has been expanded to include specific inspection requirements for STRs served by an onsite wastewater treatment (sanitation) system. Chris Chiola, Environmental Program Manager, Tillamook County Onsite Sanitation. The STRAC supported by consensus the proposed language amendments to with modifications to clarify systems installed or repaired within the past five years were not subject to an Authorization Notice, and that an Existing System Evaluation Report could be accepted as an alternative to requiring an Authorization Notice. The language in the May 24, 2023, draft reflects the edits requested by the STRAC for this section.

.100: Additional Requirements and Prohibitions. This section has been amended to add language and directive for use of the STR Hotline, a 24/7 dispatch service under contract with Tillamook County to assist with STR complaints and violations. Response time reflects a proposed increase from 20-minutes to 30-minutes with implementation of the hotline and dispatch service. The language of this subsection requires an owner or contact person to respond and resolve the complaint or successive complaints within one-hour of the time the complaint was received by dispatch. Unresolved complaints will result in a violation of Ordinance 84.

Development of the STR Hotline and dispatch service is ongoing with a target implementation date of July 1, 2023. Department staff are working with the dispatch service and are in the testing phase of this new program element. Implementation process is close to completion.

Staff find the dispatch service is a critical element in the Department's efforts to better track and respond to STR activity-related complaints. Complaint data on record with the Department is very limited due to the current process outlined in Ordinance 84 that directs complaints to go directly to the owner or contact person of the STR. Data collection through this dispatch service is critically needed to better understand the type and nature of complaints impacting community livability in unincorporated Tillamook County. This data is also needed for consideration of future improvements to the Department's enforcement program. The amended complaint process and implementation of the STR Hotline was passed by majority vote. It should be noted that some STRAC members expressed concerns that the program has not yet been implemented and fully tested.

Subsection (D) addresses prohibition of uses of a STR. This is a newly added section developed to help address community livability concerns related to events (parties), unattended barking dogs, and other activities that may take place outside of the scope of residential use of a STR that may also impact community livability. The events language was significantly modified from the January 2023 draft through robust committee discussion and public feedback. Initial proposed language included prohibition of specific types of events such as birthday parties and wedding celebrations. After further discussion and consideration by the STRAC, it was concluded that the type of event was not necessarily the issue, rather the number of guests at the event that often attribute to community livability issues related to noise and parking.

Recognizing that some events may be able to take place at a licensed STR that fall outside of the scope of Ordinance 84, an allowance was made for events that have an approved Temporary Use Permit, issued upon land use review and approval. The provisions of this section were passed in part by majority vote and by consensus. There were some committee members who felt that the number of people allowed at an event during daytime hours should not be limited and that Ordinance 84 did not have the authority to prohibit or limit parking within public road right-of way.

.110: Implementation of this Ordinance and Application to Short-Term Rentals Licensed on the Date of its Adoption. The majority of provisions of this section have been omitted from the January 2023 draft upon confirmation from the Board of County Commissioners that reducing the number of licensed STRs is not a desired outcome of this process. As mentioned previously in this report, the STRAC was tasked with recommendation of regulations to address community livability issues. The STRAC was also tasked with recommending one growth management tool for the STR program.

Unless the Board desires to adopt program changes with the intention to reduce the number of STRs in communities, the language in this section related to attrition is not applicable. Concerns have been raised by some STRAC members and in public comments that adoption of the proposed regulations under review are reduction tools as the proposed regulations will severely impact operation of existing STRs or result in denied renewals due to lack of ability to comply with some of the proposed regulations. Examples shared included compliance with proposed parking requirements and calculation of occupancy based on "bedrooms" as defined. Should the Board agree with

these concerns, staff recommend that language be considered for deferred compliance for existing licensed STRs. Staff and Counsel continue to work on this language and will be prepared to speak to this section at the hearing.

.120: Violations. Violation section has been expanded to include discovery of material misstatements or providing false information in the application or renewal process for a STR License. Violation of any County ordinance constitutes a violation of Ordinance 84. This includes violations of ordinances for transient lodging tax filing, management of solid waste, roads, building, planning and onsite sanitation.

.130: Penalties. This section has been updated by Counsel and staff and is a new addition to the Ordinance. The first occurrence of one or more violations is not subject to a fine. Ongoing penalties include fines of up to \$500 per violation.

Subsection (C), Revocation & Suspension, has been expanded to include discovery of material misstatements and false information provided on an application for a new STR License or renewal. Procedures for written notice of violation, citation and revocation or suspension is outlined in Subsection (D). The property owner may appeal the STR Administrator's decision under the procedures of Section .140.

.140: Appeals of County Decisions Regarding Short-Term Rentals. Section .140 was developed by Counsel and staff. This section outlines the procedures for submittal of an appeal and the appeal process. Current ordinance language requires the Board to consider and hear appeals related to STRs. The proposed process includes the Board appointment of a STR Hearings Officer to serve as judicial decision maker to hear and decide any alleged civil infraction under this ordinance and to render the County's final decision in any civil enforcement matter. Language states that a STR Hearings Officer's decision shall be final on the date the decision is mailed to the appellant and is appealable only by writ of review to Tillamook County Circuit Court.

.150: Severability. There are no substantive changes to this section. Language has been updated by Counsel.

STR Cap Proposal: The STRAC considered growth management tools at the request of the Board of Commissioners at the April 18, 2023, meeting. Committee members concluded establishment of caps was the best growth management tool moving forward, and by majority vote supported the proposal to increase the percentage of STRs in each community by 1% with direction of staff to continue working with each community to establish a cap percentage that best meets the desires of the community.

The STRAC discussed what a "balanced approach" to establishment of caps in each unincorporated community should look like. It was acknowledged that percentages should vary by community and that areas within communities primarily developed as vacation properties should be omitted or excluded from cap limitations.

Some committee members expressed concerns that any regulation making it harder for a property owner to operate a STR is a reduction tool, and that a cap system should not be considered at this time given the severity of newly proposed regulations that will negatively impact existing licensed STRs.

Other growth management tools may be incorporated into the program, however other options such as density and distance requirements would result in loss of licenses of currently STR licensed properties. The majority of committee members present for this discussion felt it was not the objective of the committee to make a recommendation to the Board that would result in a reduction of the current STR program pool.

It was also recommended that the 1% increase and cap have a sunset date of either six months, or one to two years so that reconsideration of implementation of caps can take place after additional data can be collected for each community. Data collection includes impact assessment to existing licensed STRs due to compliance with newly adopted ordinance regulations; the number of transfers; number and nature of complaints; and examination of economic impacts resulting from implementation of a cap system.

Should the Board support implementation of a cap for each unincorporated community and UGB, along with the proposal by the committee with the 1% increase in allowable number of STRs in each unincorporated community, staff will be prepared to present numbers to the Board at the May 30, 2023, hearing. Counsel has recommended that cap percentages be established through Board order or resolution when action is taken to lift the pause. Staff supports this suggestion to avoid continuous amendments to Ordinance 84 as staff continues to work with each unincorporated community and city to determine appropriate caps for each area.

Administrative Changes & Preparation for Implementation of Ordinance #84 Amendment #2

In preparation for adoption of the proposed amendments, staff is in process of updating STR application forms, checklists and other documents related to the program. Notice of adoption of regulations will be provided to all STR owners of record and known management companies. Staff is also preparing to hold informative meetings with STR owners and operators upon adoption of any new regulations so that program participants have an opportunity to ask questions regarding any program and regulation changes.

Staff are also prepared to begin working with unincorporated communities and cities on proposals for establishment of individual community and UGB area caps.

Closing Comments

I would like to personally thank committee members and community members who have given so much of their time to serve on the committee and participate in this process. Public comments shared with the committee have been extremely valuable throughout the process and are greatly appreciated. I would also like to thank panelists and guests, CACs, and County staff for their participation and assistance throughout this process.

The Short-Term Rental Advisory Committee is of great value to Tillamook County and the County's short-term rental program. I would like to request that the Short-Term Rental Committee remain a functioning committee, serving at the pleasure of the Board of County Commissioners to assist the Department in monitoring the growth of short-term rentals as well as continued review of Ordinance #84. I would like to propose that vacant positions on the committee be filled prior to a meeting in the spring of 2024, and the committee continue to meet at least once per year. Meeting on an annual basis allows for review and discussion of collected data, sharing of Department updates on the effectiveness of the program, and an opportunity to continue review of any long-term action items requested by the Board of County Commissioners.

Exhibits

- A. Ordinance 84 Draft dated May 23, 2023
- B. STRAC Board Orders
- C. STR Board Order for Implementation of Pause
- D. STRAC Presentation of Goals & Interests
- E. STRAC Code Enforcement Presentation
- F. Community Surveys
- G. STRAC Presentation by Nan Devlin, Tillamook County's Visitor's Association
- H. Ordinance Comparison of Changes Matrix
- I. Ownership Transfer Information
- J. Maximum Occupancy Information
- K. Number of Nights Rented
- L. STRAC STR Program Status Presentation
- M. Memorandum of Issues the STRAC Did Not Address or Embrace by Mr. Dan Kearns
- N. STRAC Member Reflections

- O. Public Comments Received After May 9, 2023
- P. Ordinance 84 Amendment #1 (Current Ordinance)

EXHIBIT

A

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR TILLAMOOK COUNTY, OREGON

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

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

The Board of Commissioners for Tillamook County ORDAINS as follows:

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

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

.020 Purpose and Scope.

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

Ordinance shall not exempt the short-term rental from any other applicable requirement, regulation or ordinance adopted by Tillamook County.

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

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

- A. “Adoption of this Ordinance” means the date on which this Ordinance takes effect after adoption by the Board of County Commissioners.
- B. “Applicant” means an owner of a dwelling unit who applies to the County for a Short-Term Rental License.
- C. “Authorized agent” is a property management company or other entity or person who has been designated by the property owner, in writing, to act on their behalf. The authorized agent may or may not be the designated representative for purposes of contact for complaints.
- D. “Bedroom” means a room intended and permitted to be used for sleeping purposes (ORSC R202) that has all of the following attributes:
 - Light, ventilation, and heating (ORSC R303.1)
 - A minimum of 70 square feet of floor space and not less than 7 feet in any horizontal dimension (ORSC R304.1).
 - An emergency escape and rescue opening (ORSC R310)
 - A built-in closet, clothing closet organizer, armoire or similar clothing rack or clothing storage unit.
 - A smoke alarm (ORSC R314.3) where required.

- A carbon monoxide detector (ORSC R315.3) where required.
 - All sleeping areas used as a bedroom in a short-term rental must be permitted for that use, and no areas may be converted to a bedroom without demonstration of compliance with this Ordinance.
- E. "Change of Property Ownership" means the transfer of title from one person to another.
- F. "Contact Person" means the owner or the owner's designated agent for the Short-Term Rental, authorized to act for the owner on their behalf.
- G. "County" means Tillamook County, Oregon.
- H. "County STR Administrator" means the Director of the Department of Community Development vested with authority to administer, interpret and enforce the provisions of this Ordinance, or that person's designee.
- I. "Daytime Occupancy" means the hours between 7:00am and 10:00pm. "Daytime occupants" mean the guests who may occupy a short-term rental during a daytime occupancy.
- J. "Department" means the Tillamook County Department of Community Development.
- K. "Dwelling unit" means a lawfully established single unit that provides complete independent living facilities for one or more people including permanent provisions for living, sleeping, eating, sanitation and one cooking area. "Dwelling unit" includes a single-family dwelling and a factory-built or manufactured dwelling that bears a valid certification of compliance with applicable manufactured dwelling standards. For purposes of this Ordinance, "dwelling unit" does not include an accessory dwelling unit (ADU), yurt, recreational vehicle or similar mobile structure, or motorized vehicle designed and built for temporary vacation use.
- L. "Enforcement Officer" means the Director of the Department of Community Development, County Building Official or their designee authorized to administer and enforce the County's civil ordinances and permits. Officer also includes the Tillamook County Sheriff, and the deputies and authorized representatives of these officials.
- M. "Estate Home" means a single-family dwelling with five (5) or more bedrooms.
- N. "Good Cause" for the purposes of denial, suspension, revocation, imposition of conditions, renewal and reinstatement of a Short-Term Rental License means (1) the Applicant, Owner or Contact Person has failed to comply with any of the terms, conditions, or provisions of this Ordinance or any relevant provision of a County code, State law, or any other rule or regulation promulgated thereunder; (2) the Applicant, Owner or Contact Person has failed to comply with any special

conditions placed upon the Short-Term Rental License; or (3) the Short-Term Rental has been operated in a manner that adversely affects the public health or welfare or the safety of the immediate neighborhood in which the Short-Term Rental is located.

- O. "Good Neighbor Policy" means a policy furnished by the County STR Administrator that summarizes general rules of conduct, consideration and respect, and includes without limitation provisions of this Ordinance applicable to or expected of guests occupying the Short-Term Rental.
- P. "Nighttime Occupancy" means overnight occupancy between the hours of 10:00pm and 7:00am the next day. "Nighttime occupants" means the guests who may occupy a short-term rental overnight.
- Q. "Non-transient rental" means to rent a dwelling unit or room(s) for compensation on a month-to-month or longer basis.
- R. "Onsite Wastewater Division" means the Onsite Wastewater Division of the Department of Community Development.
- S. "Onsite Wastewater Treatment System" means any existing treatment and dispersal system of residential wastewater.
- T. "Owner" means the natural person or legal entity that owns and holds legal or equitable title to the property.
- U. "Registrant" means the owner of a dwelling unit who holds a Short-Term Rental License.
- V. "Renter" means a person who rents a short-term rental or is an occupant in the short-term rental. Renter includes the term "tenant".
- W. "Road Authority" means the Tillamook County Public Works Department and the Oregon Department of Transportation (ODOT).
- X. "Road Right-of-Way" means a public or private way that is created to provide ingress or egress for persons to one or more properties. The terms "street", "access drive" and "highway" for the purposes of this Ordinance shall be synonymous with the term "road right-of-way".
- Y. "Serious Fire or Life Safety Risk" means a building code or ordinance violation involving those construction, protection and occupancy features necessary to minimize danger to life from fire, including smoke, fumes or panic, as well as other considerations that are essential to life safety.
- Z. "Short-Term Rental" or "STR" means the transient rental of a dwelling unit in its entirety for a period of 30 or fewer nights per month but does not include a Hosted Homeshare, a bed and breakfast enterprise, hotel, motel or other types of

traveler's accommodations for which a state license has been granted under Oregon Administrative Rule, Chapter 333, Division 29. Short-term rental includes advertising, offering, operating, renting, or otherwise making available or allowing any other person to make a dwelling unit available for occupancy or use a dwelling unit for a rental period of 30 or fewer nights. Short-term rental use is a type of "vacation occupancy" as defined in ORS 90.100.

- AA. "Short-Term Rental License" means the annual license required by Section .040, described in this Ordinance, and referred to as a "license."
- BB. "Short-Term Rental Hearings Officer" means the impartial judicial decision maker appointed by the Board of County Commissioners to hear and decide any alleged civil infraction under this ordinance and to render the County's final decision in any civil enforcement matter.
- CC. "Subject Property" means the property on which the short-term rental is located.
- DD. "Transfer" means a change in ownership of the property where the dwelling licensed as a Short-Term Rental is located that occurs after the effective date of this ordinance. A change in ownership does not include a change in owners on title resulting from death, divorce, marriage or inheritance.
- EE. "Transient rental" means to rent a dwelling unit for compensation on a less than a month-to-month basis.
- FF. "Daytime" means between the hours of 7:00 am to 10:00 pm.
- GG. "Overnight" means between the hours of 10:00 pm to 7:00 am the following day.

.040 Annual Short-Term Rental License Required, Basic Requirements for a License, No Nonconforming Use Status Conferred. No owner of property in unincorporated Tillamook County may advertise, offer, operate, rent, or otherwise make available or allow any other person to make available for occupancy or use a short-term rental without a Short-Term Rental License. "Advertise or offer" includes through any media, whether written, electronic, web-based, digital, mobile, print media or any other form of communication.

- A. *License Must Be Obtained and Maintained.* A Short-Term Rental License shall be obtained, maintained and renewed as prescribed in this Ordinance before a dwelling unit may be offered, advertised or used as a short-term rental. A Short-Term Rental License in unincorporated Tillamook County may be revoked for failure to operate a short-term rental in accordance with all requirements of the license or otherwise comply with the requirements of this Ordinance. It is a violation of this Ordinance to operate a short-term rental without a valid license.
- B. *No Nonconforming Status Conferred.* The fact that an owner of property or other entity may hold a license on the date of adoption of this Ordinance, does not

confer a property right, land use permit, or nonconforming use status under ORS 215.130 to continue operation of a short-term rental. Operation, advertisement or offering a dwelling unit for short-term rental use, in all cases, requires a valid license.

- C. *Cap on Number of STR Licenses In Effect for Unincorporated Communities and Properties within City Urban Growth Boundaries.* The County has established a limit on the number of STR Licenses that can be in effect at any one time for defined residential subareas within unincorporated Tillamook County. If at the time of STR application for a new STR license there is not room within the applicable subarea cap to accommodate the new STR license, the applicant will be placed on a waiting list and will be contacted by the STR Administrator as soon as there is room within the applicable subarea cap to review the STR application. The STR license application fee shall not be collected at this time, however the applicant shall pay a \$100 fee for the County to place the applicant on a waitlist.

.050 License Application and Fees

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

property. Notification can be completed by mail or distributed by hand and shall contain the address of the rental property, the number of allowed bedrooms and maximum occupancy, and the name and contact information of the owner or representative who can respond to complaints about operation of the short-term rental. A written statement confirming notice to neighbors has been completed shall be submitted to the Department prior to issuance of a Short-Term Rental License.

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

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

compliance with all applicable regulations, during normal business hours, and with reasonable notice and other procedural safeguards as necessary. Violations of this Ordinance shall be processed in accordance with Section .120.

- C. *Incomplete Application.* If a short-term rental application does not include all required information and documentation, the application will be considered incomplete and the County will notify the applicant, in writing, explaining the deficiencies. If the applicant provides the missing required information within 21 calendar days of the date of the incomplete notice, the application will be reviewed. If the applicant does not provide the required information within 21 days of notice, the application will be deemed null and void.
- D. *Licensing Fees.* The fee for application for a Short-Term Rental License or license renewal shall be as established by resolution of the Board of Commissioners, but shall not be less than the following amounts:
1. Application fee of not less than \$400, consisting of an application fee and an inspection fee.
 2. An annual renewal fee of not less than \$300.
 3. If the property fails the initial inspection or fails the required every 3-year inspection, an additional follow-up inspection fee of \$100 is required for each follow-up inspection.
 4. Any alteration to an existing Short-Term Rental License shall be subject to a review fee of not less than \$100. Alterations requiring a reinspection of the STR shall also be subject to a \$100 reinspection fee.

.060 Term of Annual License and Renewal

- A. *Term.* A Short-Term Rental License is valid for one year (12 months) and shall automatically expire if not renewed on or before the anniversary date of each ensuing year. If the contact person (authorized agent) changes during the 12-month period, the property owner or authorized agent shall notify the County in writing of the change within thirty (30) days of the change and provide all new contact and tax payment information. Change of contact person is an alteration to an existing Short-Term Rental License and shall be subject to a fee of not less than \$100.
- B. *Transferability of STR Licenses.* Any STR License existing at the time of adoption of this Ordinance is eligible for one (1) transfer to another person or entity. The current license holder or authorized agent shall notify the STR Administrator of the change in property ownership within sixty (60) days of the change. All subsequent changes in property ownership shall require a new STR License subject to then-current ordinance provisions. STR Licenses issued after

the adoption of this Ordinance are not transferable when property ownership changes.

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

- A. *Application Required.* Applications for a Short-Term Rental License shall be on forms provided by the County, demonstrating the application meets the standards required by this Ordinance.
- B. *Burden of Proof.* The applicant has the burden of proof to demonstrate compliance with each applicable criterion for initial approval or annual renewal of the Short-Term Rental License. The approval criteria also operate as continuing code compliance obligations of the owner/contact person. County staff may verify evidence submitted and statements made in support of an application, and the applicant shall cooperate fully in any such inquiries. For the initial application renewal every three years thereafter, the applicant must also comply with the requirements of Subsection .090.
- C. *Responsibility.* The applicant shall certify that all information provided is correct and truthful. It is the applicant's responsibility to assure that the short-term rental is and remains in compliance with all applicable codes regarding fire, building, health and safety regulations, and all other relevant laws.
- D. *Parking.* Proof of required off-street parking shall be required as follows:
 - 1. One (1) all-weather travel surface parking space shall be provided for every bedroom in the dwelling unit. If a garage is used to meet the parking requirement, a photo of the interior of the garage shall be submitted at the time of application and renewal to show the garage is available and large enough for vehicle parking. All required parking shall be on-site (off-street) except as follows:
 - a. Required parking may be permitted on another or different property within 500 feet of the subject property with a legally binding shared parking agreement or proof of legal parking access that remains valid for the length of time the subject property has a Short-Term Rental License.
 - b. Up to two (2) required parking spaces may be satisfied with on-street parking provided on-street parking is within 100-feet of the subject property boundaries and authorized by the Tillamook County Public Works Department. On-street parking spaces shall be a minimum size of 8-feet by 20-feet each. On-street parking proposals shall be reviewed by the Tillamook County Public Works Department. Written authorization of the parking spaces shall be submitted to the Department at the time of application submittal.

- c. Designated parking is available for guests within a private development where authorization for use of parking in conjunction with a STR has been granted by the development Homeowner's Association (HOA). Written authorization from the HOA confirming use of off-site parking shall be submitted to the Department at the time of application submittal. The number and location of parking spaces authorized to be utilized in conjunction with the STR shall be included in the written authorization.
2. Each off-street parking space shall be a minimum of 8-feet by 16-feet and configured in a manner that ensures parking spaces are accommodated within the property boundaries.
 3. No STR property shall have more than six (6) parking spaces total for overnight guests. Two (2) additional parking spaces may be allowed for daytime guests. Parking shall not, under any circumstances, hinder the path of any emergency vehicle.
 4. Access to approved parking spaces shall be designed to limit access onto the property through the defined road approach. Alterations to the road approach for purposes of off-street parking is subject to review and approval by the local road authority.
 5. A parking diagram of the approved parking spaces shall be provided to renters and shall be posted in a prominent location within the short-term rental dwelling unit. The contact person shall direct renters to the parking diagram for the rental property to ensure use of off-street parking are prioritized when using the short-term rental.
- E. *Transient Lodging Tax Compliance.* The property owner shall be in compliance with Tillamook County Transient Lodging Tax Ordinances 74 (as amended) and 75 (as amended) and subject to the Tax Administrator's authority provided therein.
- F. *License Approval and Annual Renewal Standards.* To receive approval, license renewal, or maintain a license, an applicant must demonstrate with a preponderance of credible relevant evidence that all of the requirements and standards in Section .080 are satisfied.
- G. *Initial and Every Third Year Renewal Inspections.* To merit approval of an initial (first year) Short-Term Rental License following adoption of this Ordinance and at the time of renewal request every third year thereafter, the applicant must obtain and provide to the County evidence of the satisfactory inspections described in Section .090.

.080 Operational Requirements and Standards for Short-Term Rentals. To qualify to obtain or retain a license, the contact person and the short-term rental must

comply with the following operational requirements and standards. Failure to comply could be grounds for denial, non-renewal or revocation of a Short-Term Rental License.

- A. *Maximum Occupancy.* The maximum nighttime occupancy for a short-term rental shall be limited to two (2) persons per bedroom plus two (2) additional persons. For example, a two-bedroom short-term rental is permitted a maximum nighttime occupancy of six (6) people plus up to three (3) children, age 12 or under, to occupy the short-term rental in addition to the maximum number of occupants otherwise provided in this Subsection. The number of bedrooms of a short-term rental shall be verified at the time of license renewal and upon physical inspection of the short-term rental.
- B. Regardless of the number of bedrooms, the maximum nighttime occupancy of an STR shall not exceed 10 (ten) persons plus three (3) children aged twelve (12) and under.
- C. The owner of an Estate Home shall be exempt from subsection (B) of this section and is allowed a maximum nighttime occupancy of up to fourteen (14) persons plus up to three (3) children, age 12 or under, to occupy the short-term rental.
- D. The maximum daytime occupancy for any short-term rental shall be limited to the nighttime maximum occupancy plus six (6) additional people. For example, a two-bedroom dwelling unit is permitted for a maximum daytime occupancy of twelve (12) people.
- E. *Off-street Parking Spaces Required.* One (1) off-street vehicle parking space is required per bedroom in accordance with Section .070 of this Ordinance. All of the required notices and placards required by this Ordinance shall require the renters to park on-site and to not park on the street, even if on-street parking is otherwise available. The property owner of a short-term rental may contract with owners of other property within 500 feet of the perimeter of the rental property and enter into a shared parking agreement to accommodate no more than two (2) parking spaces to satisfy this requirement. Where licensing relies on contractual off-site parking arrangements, the property owner shall provide proof of availability in the form of a legally binding contract for the off-street parking for the duration of time the rental property has a Short-Term Rental License.
- F. *Noise.* Use of any radio receiver, musical instrument, phonograph, loudspeaker, sound amplifier, or device for the producing or reproducing of sound shall be done in a manner that does not result in unreasonable or unreasonably sustained noise beyond the property lines of the subject property where the short-term rental is located. Complaints of unreasonable or unreasonably sustained noise shall be responded to within 30 minutes of receipt of the complaint by the contact person for the short-term rental. Failure to respond shall be considered a violation of this ordinance and subject to the provisions of Section .130.

- G. *Quiet Hours.* The hours of 10:00p.m. to 7:00a.m. the following day are quiet hours, and there shall be no amplified music or unreasonable noise during quiet hours that can be heard beyond the property boundaries of the short-term rental property. Noise complaints during quiet hours shall be responded to within 30 minutes of receipt of the complaint by the contact person for the short-term rental. Failure to respond shall be considered a violation of this ordinance and subject to the provisions of Section 130.
- H. *Zoning Compliance.* The property shall be in compliance with all applicable County zoning requirements and any development permits related to the subject property. If the property owner claims any sort of non-conforming use status for any aspect of the property or structures thereon, the property owner shall obtain a nonconforming use verification for those aspects through an appropriate land use decision making process. In no event shall this Ordinance be construed as a land use or development regulation, nor does prior operation of a short-term rental give rise to a nonconforming use right under the County's land use ordinance.
- I. *No unpermitted improvements or bedrooms.* All electrical, structural, plumbing, venting, mechanical and other improvements made to a licensed short-term rental shall be fully permitted. Electrical work shall be performed by a State or Oregon licensed electrician. Any sleeping area used as a bedroom shall be inspected and permitted in accordance with the provisions of this Ordinance. Areas not approved for use as a bedroom shall be locked and secured as deemed appropriate by the STR Administrator, and shall not be utilized as part of the short-term rental. Areas not approved for use as a bedroom shall not be included in the maximum occupancy calculation for the short-term rental. The contact person shall notify every renter, in writing, that the non-compliant bedroom may not be used for sleeping.
- J. *Contact Information.* Each registrant shall provide the name and contact information of a contact person that will be available to be contacted about use of the short-term rental during and after business hours and on weekends (24 hours a day, 7 days a week). The contact person shall respond/answer immediately to a phone call complaint about operation of the short-term rental and must be able to arrive on site at the short-term rental within 30 minutes if a phone call is not sufficient to remedy all alleged operational problems. The registrant may change the contact person from time to time during the term of licensing, but only by revising the license information with the County at least 14 days prior to the change's effective date, except when the failure to do so is beyond the registrant's control. Failure to maintain current and correct contact information for the contact person with the County, failure of the contact person to respond immediately to a telephone call complaint, or failure to arrive at the property within 30 minutes of being summoned shall be a violation of this Ordinance.
- K. *Fire and Life Safety.* A completed checklist for fire safety (fire extinguishers, smoke alarms, carbon monoxide detectors, etc.) shall be required with each

annual short-term rental license application and renewal. The contact person shall be responsible for completing the fire safety checklist as part of the renewal process to ensure continued compliance. A copy of the signed fire safety checklist shall be submitted to the Department prior to issuance or renewal of a Short-Term Rental License and may require further demonstration or proof for a renewal at the County STR Administrator's discretion.

1. At least one functioning fire extinguisher shall be accessibly located within the short-term rental dwelling unit. Extinguisher must be in a visible and placed in a secured location to ensure it is accessible to renters at all times.
2. All electrical outlets and light switches shall have face plates.
3. The electrical panel shall have all circuits labeled.
4. Ground Fault Circuit Interrupter (GFCI) protected receptacles shall be provided at outdoor locations and at kitchen and bathroom sinks.
5. Smoke detectors shall be placed and maintained in each bedroom, outside each bedroom in its immediate vicinity and in each additional story and basement without a bedroom.
6. A carbon monoxide detector/alarm device shall be placed and maintained in each bedroom and within 15 feet outside of each bedroom door.
7. All fireplaces, fireplace inserts, and other fuel burning heat sources shall be properly installed and vented.
8. All interior and exterior stairways with 4 or more steps and that are attached to the structure, shall be equipped with a handrail.
9. All interior and exterior guardrails, such as deck railings, shall be able to withstand a 200-pound impact force.
10. Exterior hot tubs shall have adequate structural support and shall have a locking cover or other barrier to adequately protect against potential drowning when a hot tub is not available for permissive use.
11. Exterior lighting shall be directed in a downward direction to prevent glare onto adjacent properties.
12. The house number shall be prominently displayed and maintained, and be visible from the street.

L. Emergency Escape and Rescue Openings for bedrooms:

1. For all dwelling units constructed after the adoption of this Ordinance, every bedroom shall have at least one operable emergency escape and rescue opening. Sill height shall not be more than 44 inches above the floor. Openings shall open directly into a public way or to a yard or court that opens to a public way. Minimum net clear opening at grade floor openings shall be 5 square feet and 5.7 square feet at upper floors. Minimum net clear height is 24 inches and net clear width is 20 inches.
2. For all dwelling units constructed prior to the adoption of this Ordinance, every bedroom shall have at least one operable emergency escape and rescue opening that has been inspected and approved by the Tillamook County Building Official pursuant to the currently-adopted Oregon Residential Specialty Code.

M. Solid Waste Collection – minimum service requirements. The property owner shall subscribe to and pay for weekly solid waste collection service by the local franchise hauler with assisted pick-up provided by the franchise. For the purposes of this section, assisted pick-up means the collection driver retrieves the cart from the driveway, rolls it out for service, and then places it back in its original location. The owner shall provide garbage containers with securable covers in compliance with franchise requirements that ensure the collected solid waste is not susceptible to wildlife intrusion and weather elements. All placards and notices to renters shall include the requirement that renters shall dispose of all household garbage in the containers and keep them covered/secured. Garbage, recycling or any other waste products shall not be placed outside of designated carts/cans.

N. Interior Mandatory Postings. Mandatory postings issued by the County (or a copy thereof) for the short-term rental shall be displayed in a prominent location within the interior of the dwelling unit adjacent to the front door. Mandatory postings include the following:.

1. The Short-Term Rental License registration number to confirm a license has been issued by Tillamook County, with the date of expiration. The license shall include the following information:
 - a. The number of bedrooms and maximum occupancy permitted for the short-term rental;
 - b. The number of approved parking spaces;
 - c. Any required information and conditions specific to the Short-Term Rental License;
 - d. The non-emergency telephone number for the County's STR Hotline in the event of any problems at, or complaints about, the short-term rental.

2. For those properties located within a tsunami inundation zone, a copy of an Oregon Department of Geology and Mineral Industries (DOGAMI) Tsunami Evacuation Brochure shall be posted in a visible location as close as possible to the main entrance of the short-term rental. The brochure shall be furnished by the Tillamook County Department of Community Development at the time of Short-Term Rental License issuance and renewal.
3. Good Neighbor Policy and Guidelines. The property owner and contact person shall acknowledge the County's Good Neighbor Policy, shall post them in every short-term rental.

O. Exterior Mandatory Posting. Exterior signage shall be installed outside of the dwelling unit and shall be of adequate size so that the following required information on the exterior sign is easily read from the road right-of-way:

1. The Short-Term Rental License registration number to confirm a license has been issued by Tillamook County, with the date of expiration;
2. The non-emergency telephone number for the County's STR Hotline in the event of any problems at, or complaints about, the short-term rental;
3. The property address;
4. The name of the contact person (or entity) and a telephone number (optional).

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

Q. No Accessory Dwelling Unit (ADU) permitted after the date of adoption of this Ordinance shall be used as a short-term rental or in conjunction with a short-term rental.

.090 Additional Inspections Required. To merit approval of an initial (first year) Short-Term Rental License following adoption of this Ordinance and for renewal every third year thereafter, the applicant shall obtain the following inspections and a satisfactory report for each and pay any fee(s) that may be required to obtain the inspection and report:

A. Inspection Required. The owner of the short-term rental dwelling unit shall obtain an inspection by the local building inspector to inspect the dwelling unit and determine that the dwelling unit meets current requirements of the International Building Code, including compliance with applicable fire and life safety code requirements for occupancy of the dwelling unit as a short-term rental. Inspection shall also confirm there have been no unpermitted improvements, modifications

or additions to the dwelling unit. The inspection and certification shall include compliance with electrical, structural, and ventilation requirements. A Short-Term Rental License shall be not issued until the short-term rental passes inspection by the County Building Inspector.

B. *Reinspection Requirements.* In any case where an inspection is not approved by the County Building Inspector, the County Building Inspector shall allow thirty (30) days for minor repairs or sixty (60) days for major repairs, at the completion of which the owner or authorized agent must call the Tillamook County Department of Community Development for a re-inspection. The re-inspection fee adopted in the Community Development fee schedule shall apply. If the repairs identified in the original inspection are not rectified at the time of re-inspection and within the specified timeframe, the application shall be invalidated, and the property owner must reapply and pay the requisite application and inspection fees.

C. *On-site Septic System Inspection.* Unless the dwelling unit is served by a public or community sanitary sewer system, the existing on-site wastewater treatment system (system) must be capable of handling the wastewater flows expected to be generated based on the allowed number of bedrooms in the dwelling unit and the maximum number of occupants. Demonstration of system adequacy is required at the time of STR application submittal.

1. If the system was installed more than five (5) years from the time of STR application submittal, the property owner shall obtain an Authorization Notice (AN) from the Department Onsite Wastewater Division. Included in the authorization must be information to allow a calculation of the number of allowed bedrooms based on the capacity of the septic system. Final determination of the capacity and suitability of the septic system shall be made by the Onsite Environmental Program Manager (or their designee) and will share the determination with the County STR Administrator. An ESER (Existing System Evaluation Report) meeting these standards and conducted within five (5) years of the date of the Short-Term Rental application or renewal may be submitted to fulfill this requirement.
2. If the Onsite Environmental Program Manager identifies any deficiencies in the system, the property owner shall cure/correct the deficiencies within 60 days of the date of review of an ESER or AN, or within the specified timeframe for completion of the reinspection as specified in subsection B above, whichever occurs first. A Short-Term Rental License shall not be issued under this section until after repairs are made and approved by the County. If the owner fails to cure the deficiencies within the time required, the Short-Term Rental application shall be denied.
3. The initial AN or ESER for an existing short-term rental is required in accordance with a phasing plan adopted by the County, but no later than

December 31, 2024. After an initial AN or ESER is obtained, the property owner shall thereafter be required to conduct periodic maintenance of the system, undertaken by a DEQ authorized contractor, which at a minimum shall include inspection of the system (and as needed, pumping or repairs) prior to renewal of the Short-Term Rental License. The Onsite Wastewater Division is the delegated authority to determine the periodic maintenance requirements specific to the types of systems in use, including the intervals at which the maintenance will be required. These requirements shall be made available to the public, registrants/property owners and DEQ authorized contractors. The required report on maintenance shall be provided to the Onsite Waste Division for review in a format as developed by the Division. The report shall be required before the owner can renew certification of the dwelling unit.

.100 Additional Requirements and Prohibitions. The following are on-going requirements for the operation of all STRs in Unincorporated Tillamook County.

A. *Advertising and Short-Term Rental License Registration Number.* The property owner or contact person shall put the annual registration number on all advertisements for the specific property wherever it is advertised for rent.

B. *Complaints.*

1. *Response to Complaints.* The contact person shall respond to neighborhood questions, concerns, or complaints in a reasonably timely manner depending on the circumstances and shall ensure to the best of their ability that the renters and guests of the short-term rental do not create unreasonable noise disturbances, engage in disorderly conduct, or violate the provisions of local ordinances or any state law.

2. *STR Hotline.* The contact person shall respond by telephone within thirty (30) minutes to complaints from or through the Hotline and shall respond in-person within thirty (30) minutes to any additional or successive complains regarding the condition, operation, or conduct of occupants of the short-term rental. Unresolved complaints shall result in an immediate violation of this Ordinance.

2. *Record of Response.* The property owner or contact person shall maintain a record of complaints and the actions taken in response to the complaint, if relevant, in an electronic or written manner deemed reasonable to document the interaction. This record shall be made available for County inspection upon request to investigate all complaints.

C. *Inspection.* Upon application for a Short-Term Rental License, all short-term rentals shall be subject to inspection by the County STR Administrator for compliance with this section.

1. The County's STR Administrator may conduct a site visit upon an application for operation of a short-term rental to confirm the number of bedrooms (as defined by this Ordinance) stated on the application and the number, location and availability and usability of off-street parking spaces. The site visit will be coordinated with the applicant or contact person, shall be conducted during the normal business hours, and with reasonable notice.
2. The County's STR Administrator may visit and inspect the site of a short-term rental to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice and other procedural safeguards as necessary. Code violations shall be processed in accordance with Section .120 and the County's Civil Enforcement procedures.

D. *Specific Prohibitions.* The following activities are prohibited on the premises of a short-term rental during periods of transient rental:

1. *Events.* Events and activities that exceed maximum overnight or daytime occupancy limits.
2. Events and activities for which a Temporary Use Permit is required and has not been issued.
3. Unattended barking dogs.
4. Activities that exceed noise limitations contained in this Ordinance.

.110 Implementation of this Ordinance and Application to Short-Term Rentals Licensed on the Date of its Adoption. All new/initial Short-Term Rental Licenses issued after the date this Ordinance is adopted shall implement and comply with all provisions in this Ordinance. This section shall govern the implementation and applicability of this Ordinance to short-term rentals that are lawfully established, licensed and operating on the date of adoption of this Ordinance (Lawful Pre-Existing Short-Term Rentals).

.120 Violations. In addition to complaints related to nuisance and noise and other violations of Tillamook County Ordinances, the following conduct constitutes a violation of this Ordinance and is a civil infraction:

- A. The discovery of material misstatements or providing of false information in the application or renewal process for a Short-term Rental License.
- B. Representing, advertising or holding-out a dwelling unit as available for occupancy or rent as a short-term rental where the owner does not hold a valid Short-Term Rental License issued under this Ordinance.
- C. Advertising or renting a short-term rental in a manner that does not comply with the standards of this Ordinance.

- D. Failure to comply with the substantive or operational standards in Sections .080, .090, .100 or any conditions attached to a particular Short-Term Rental License.

.130 Penalties.

- A. In addition to the fines and revocation procedures described in this Ordinance, any person or property owner who uses, or allows the use of, or advertises, the property in violation of this Ordinance is subject to the enforcement authority of the STR Administrator.
- B. Each 24-hour period in which a dwelling unit is used, or advertised, in violation of this Ordinance or any other requirement or prohibition of the Tillamook County Code shall be considered a separate occurrence and separate violation for calculation of the following fines:
 - 1. The first occurrence of one or more violation(s) will incur a warning with no monetary penalty.
 - 2. A second occurrence of one or more violation(s) within a 12-month period is subject to a fine up to \$250 per violation.
 - 3. A third occurrence and all subsequent occurrences of violation(s) within a 12-month period shall be subject to a fine up to \$500 per violation.
- C. *Revocation & Suspension.* The following actions are grounds for immediate revocation or suspension of a Short-Term Rental License and cessation of use of the dwelling unit for short-term tenancy:
 - 1. Failure to renew a Short-Term Rental License as required by Section .060 while continuing to operate a short-term rental.
 - 2. Three (3) or more verified violations of any local ordinance, state or federal regulation within a 12-month period.
 - 3. The discovery of material misstatements or that the license application included false information for a Short-Term Rental License or renewal shall be grounds for immediate revocation of the license.
 - 4. Such other violations of this Ordinance of sufficient severity in the reasonable judgment of the STR Administrator, so as to provide reasonable grounds for immediate revocation of the license.
 - 5. Upon an emergency suspension or revocation of a Short-Term Rental License deemed necessary by the STR Administrator for public health and/or safety reasons, short-term rental activity shall cease immediately. If suspended, the short-term rental shall not be rented or used as a short-term rental until the emergency that exists has been resolved to the satisfaction of the STR Administrator.

D. *Notice of Decision, Appeal/Stay.* If the property owner is fined or a Short-Term Rental License is revoked as provided in this section, the STR Administrator shall send written notice of such action to the property owner stating the basis for the decision. The notice shall include information about the right to appeal the decision and the procedure for filing an appeal. The property owner may appeal the STR Administrator's decision under the procedures in Section .140.

.140 Appeals of County Decisions Regarding Short-Term Rentals. Any decision by the County approving, denying, revoking or sanctioning a Short-Term Rental License may be challenged, if at all, only pursuant to this section.

A. *Filing Requirements – Notice.* The property owner or authorized agent may appeal a decision to approve, renew, deny or revoke a Short-Term Rental License.

B. *Authority to Decide Appeal.* The STR Hearings Officer shall be responsible for deciding all appeals under this Ordinance.

C. *Time for Filing.* A property owner or authorized agent shall file a written notice of appeal, including a written description of the legal basis for the appeal, no later than 14 calendar days after the license application, license renewal or other determination being appealed was issued. This requirement is jurisdictional, and late filings shall not be accepted.

D. *Fee for Appeal.* The County shall establish a fee for filing and appeal hearing of not less than \$500 under this section, payment of which shall be a jurisdictional requirement.

E. *Procedures.* The County's STR Administrator may establish administrative procedures to implement the appeal process provided in this section, including any required forms. The STR Administrator may adopt procedures for hearings not in conflict with this section, including but not limited to time limitations on oral testimony and on written argument.

F. *Hearing.* Within 35 days of receiving the notice of appeal, the STR Administrator shall schedule a hearing on the appeal before the STR Hearings Officer. At the hearing, the appellant shall have the opportunity to present evidence and arguments as may be relevant.

G. *The Record on Appeal.* The STR Hearings Officer's decision shall be based upon the record, which shall include all written documents associated with the file that is the subject of the appeal, including all Transient Lodging Tax records, and complaints about the short-term rental operation.

H. *Standard of Review and Decision.* The STR Hearings Officer shall determine whether the County's decision was based on a preponderance of the evidence or the correct interpretation of the requirements of this Ordinance. A decision of the STR Hearings Officer shall be based on the evidence in the record and be issued

in writing within 30 days after the record closes. The STR Hearings Officer may uphold the County's decision, uphold the decision with modifications or reverse the County's decision. If the STR Hearings Officer upholds a decision to revoke the Short-Term Rental License, the Hearings Officer shall order the property owner to discontinue operation of the dwelling unit as a short-term rental immediately. If the Hearings Officer reverses a decision to revoke the Short-Term Rental License, operation of the short-term rental may continue under the Short-Term Rental License.

- I. *Finality.* The STR Hearings Officer's decision shall be final on the date the decision is mailed to the appellant. The STR Hearings Officer's decision is the County's final decision on the matter and is appealable only by writ of review to Tillamook County Circuit Court.

.150 Severability. If any section, subsection or provision of this Ordinance is declared by a court of competent jurisdiction to be unlawful, preempted or unenforceable, that declaration shall not affect the validity and enforceability of the remaining sections.

.160 Effective Date

This Ordinance Amendment shall take effect on the date of its adoption.

Date of First Reading: May _____, 2023.

Date of Second Reading: June _____, 2023.

ADOPTED this _____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Aye Nay Abstain/Absent

Erin D. Skaar, Chair

____ ____ ____/____

Mary Faith Bell, Vice Chair

____ ____ ____/____

David Yamamoto, Commissioner

____ ____ ____/____

ATTEST: Tassi O'Neil, County Clerk

APPROVED AS TO FORM:

By _____
Special Deputy

William K. Sargent, County Counsel

EXHIBIT

B

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

In the Matter of the Appointment of) ORDER
Members to the Tillamook County Short) #22- CO 7
Term Rental Committee)

This matter came before the Tillamook County Board of Commissioners on January 26, 2022 at the request of Sarah Absher, Director of the Department of Community Development. The Board of Commissioners, being fully apprised, finds as follows:

1. On March 24, 2021, the Board of Commissioners approved Board Order #21-014 establishing an eighteen (18) member Tillamook County Short Term Rental Committee.
2. There are vacancies on the Tillamook County Short Term Rental Committee and the following eight (8) community members have confirmed their desire to be appointed.
3. Mike Saxton is qualified and willing to serve on the Short-Term Rental Committee to represent south county.
4. Karen Babbitt is qualified and willing to serve on the Short-Term Rental Committee to represent the unincorporated community of Neahkahnie.
5. Terri Warren is qualified and willing to serve on the Short-Term Rental Committee to represent the unincorporated community of Oceanside.
6. Bruce Lovelin is qualified and willing to serve on the Short-Term Rental Committee to represent the unincorporated community of Netarts.
7. Hilary Gibson is qualified and willing to serve on the Short-Term Rental Committee to represent the unincorporated community of Neskowin.
8. Amy VanDyke is qualified and willing to serve on the Short-Term Rental Committee to represent north county vacation rental management companies.
9. Alexis Tate is qualified and willing to serve on the Short-Term Rental Committee to represent economic development.
10. Julie Hurliman is qualified and willing to serve on the Short-Term Rental Committee to represent the tourism industry.


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NOW, THEREFORE, IT IS HEREBY ORDERED THAT:


11. Mike Saxton be and is hereby appointed as a member to the Short-Term Rental Committee to represent south county.
12. Karen Babbitt be and is hereby appointed as a member to the Short-Term Rental Committee to represent the unincorporated community of Neahkahnie.
13. Terri Warren be and is hereby appointed as a member to the Short-Term Rental Committee and represents the unincorporated Community of Oceanside.
14. Bruce Lovelin be and is hereby appointed as a member to the Short-Term Rental Committee to represent the unincorporated community of Netarts.
15. Hilary Gibson be and is hereby appointed as a member to the Short-Term Rental Committee to represent the unincorporated community of Neskowin.
16. Amy VanDyke be and is hereby appointed as a member to the Short-Term Rental Committee to represent north county vacation rental management companies.
17. Alexis Tate be and is hereby appointed as a member to the Short-Term Rental Committee to represent economic development.
18. Julie Hurliman be and is hereby appointed as a member to the Short-Term Rental Committee to represents the tourism industry
19. All committee members shall serve at the pleasure of the Board of Commissioners.

Dated this 26th day of January, 2022.

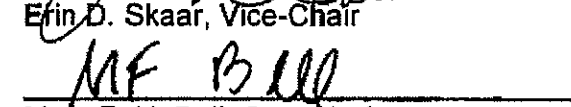
THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON






David Yamamoto, Chair

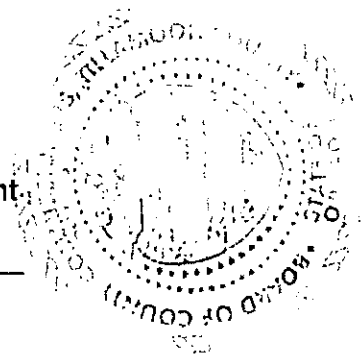


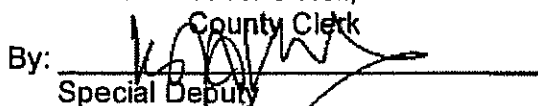
Erin D. Skaar, Vice-Chair

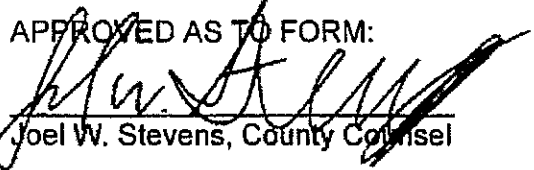


Mary Faith Bell, Commissioner

Aye	Nay	Abstain/Absent
	_____	_____ / _____
	_____	_____ / _____
	_____	_____ / _____



ATTEST: Tassi O'Neil,
County Clerk
By: 
Special Deputy

APPROVED AS TO FORM:

Joel W. Stevens, County Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

In the Matter of the Formation of the)
Tillamook County Short-Term Rental)
Committee and Repealing Order #18-)
070)

ORDER
#21-014

This matter came before the Tillamook County Board of Commissioners on March 24, 2021 at the request of Sarah Absher, Director of the Department of Community Development. The Board of Commissioners, being fully apprised of the representations of the above-named person, finds as follows:

1. The Board has found the significant number of short-term rental properties in the unincorporated communities of Tillamook County to be a concern to many community members.
2. The Board wishes to establish a committee to advise and recommend solutions to issues related to short-term rental properties in the unincorporated communities of Tillamook County.
3. The purpose of the committee shall be to provide the Board of Commissioners with recommendations of actions that can take place to help maintain a balance between short-term rentals and full-time residents in the unincorporated areas of Tillamook County.
4. This Committee shall be an eighteen (18) member committee composed of:
 - Two (2) community members from South County
 - One (1) community member each from the unincorporated communities of Neahkahnie, Barview/Twin Rocks/Watseco, Oceanside, Netarts, Pacific City/Woods, and Neskowin
 - One (1) community member from North County
 - One (1) community member from Central County
 - Three (3) members representing the vacation rental management community: one representation each from North, Central and South County
 - One (1) member representing the real estate community
 - One (1) member representing economic development
 - One (1) member representing the tourism industry
 - One (1) member representing public safety
 - One (1) member at large

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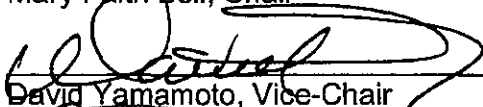
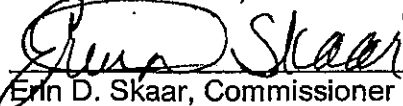
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NOW, THEREFORE, IT IS HEREBY ORDERED THAT:


5. The Tillamook County Board of Commissioners approves the formation of the Tillamook County Short-Term Rental Committee.
6. All Committee members shall serve at the pleasure of the Board of Commissioners.
7. Order #18-070 is repealed.

Dated this 24th day of March, 2021.

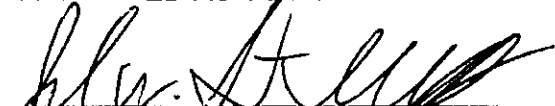
THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

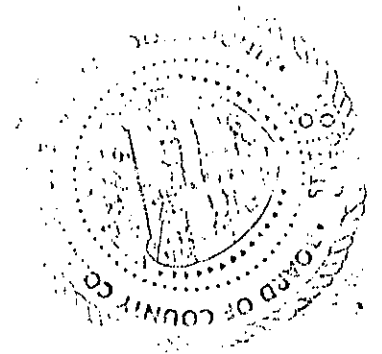
	Aye	Nay	Abstain/Absent
 Mary Faith Bell, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 David Yamamoto, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Erin D. Skaar, Commissioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST: Tassi O'Neil
County Clerk

By: 
Special Deputy

APPROVED AS TO FORM:


Joel W. Stevens, County Counsel



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COUNTY COURT JOURNAL

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR TILLAMOOK COUNTY, OREGON

FILED
JUL 18 2018
TASSI O'NEIL
COUNTY CLERK
3:55 p
TJ

In the Matter of the Formation of the) ORDER
Tillamook County Short-Term Rental) #18-070
Committee and Appointment of Members)

This matter came before the Tillamook County Board of Commissioners on July 18, 2018 at the request of Sarah Absher, Director of the Department of Community Development. The Board of Commissioners, being fully apprised of the representations of the above-named person, finds as follows:

1. The Board has found the significant number of short-term rental properties in the unincorporated communities of Tillamook County to be a concern to many community members.
2. The Board wishes to establish a committee to advise and recommend solutions to issues related to short-term rental properties in the unincorporated communities of Tillamook County.
3. The purpose of the committee shall be to provide the Board of Commissioners with recommendations of actions that can take place to help maintain a balance between short-term rentals and full-time residents in the unincorporated areas of Tillamook County.
4. This Committee shall be a nine (9) member committee composed of:
 - Two (2) community members from South County
 - One (1) community member from North County
 - One (1) community member from Central County
 - One (1) member representing the vacation rental management community
 - One (1) member representing the real estate community
 - One (1) member representing economic development
 - One (1) member representing public safety
 - One (1) member at large
5. Nanci Sheeron and Scott Nienkamp are qualified and willing to serve on the Short-Term Rental Committee as community members to represent South County.
6. Jim Haley is qualified and willing to serve on the Short-Term Rental Committee as a community member to represent North County.
7. Jerry Keene is qualified and willing to serve on the Short-Term Rental Committee as a community member to represent Central County.

-
8. Nicole Twigg is qualified and willing to serve on the Short-Term Rental Committee to represent the vacation rental management community.
 9. Pam Zielinski is qualified and willing to serve on the Short-Term Rental Committee to represent the real estate community.
 10. Aaron Palter is qualified and willing to serve on the Short-Term Rental Committee to represent economic development in Tillamook County.
 11. Tim Carpenter is qualified and willing to serve on the Short-Term Rental Committee to represent public safety.
 12. Gus Meyer is qualified and willing to serve on the Short-Term Rental Committee as a member at large.

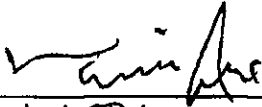
NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

13. The Tillamook County Board of Commissioners approves the formation of the Tillamook County Short-Term Rental Committee.
14. Nanci Sheeron and Scott Nienkamp be and hereby are appointed to the Short-Term Rental Committee as community members to represent South County.
15. Jim Haley be and hereby is appointed to the Short-Term Rental Committee as a community member to represent North County.
16. Jerry Keene be and hereby is appointed to the Short-Term Rental Committee as a community member to represent Central County.
17. Nicole Twigg be and hereby is appointed to the Short-Term Rental Committee to represent the vacation rental management community.
18. Pam Zielinski be and hereby is appointed to the Short-Term Rental Committee to represent the real estate community.
19. Aaron Palter be and hereby is appointed to the Short-Term Rental Committee to represent economic development.
20. Tim Carpenter be and hereby is appointed to the Short-Term Rental Committee to represent public safety.
21. Gus Meyer be and hereby is appointed to the Short-Term Rental Committee as a member at large.
22. All Committee members shall serve at the pleasure of the Board of Commissioners.

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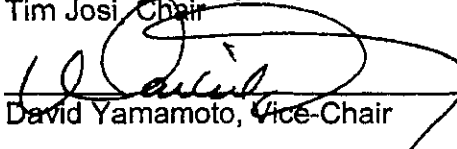
Dated this 18th day of July, 2018.

THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON



Tim Josi, Chair

Aye	Nay	Abstain/Absent
✓	_____	____/____



David Yamamoto, Vice-Chair

_____	_____	____/____
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Bill Baertlein, Commissioner

✓	_____	____/____
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ATTEST: Tassi O'Neil
County Clerk

APPROVED AS TO FORM:

By: 

Special Deputy



William K. Sargent, County Counsel



EXHIBIT

C

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

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

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

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

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

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

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

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

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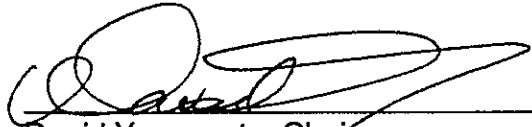
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Dated this 25th day of May, 2022.


THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Aye Nay Abstain/Absent



David Yamamoto, Chair

 P — — /



Erin D. Skaar, Vice-Chair

 ✓ — — /

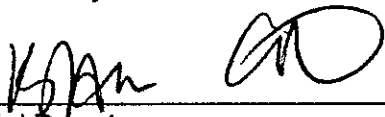
 MF Bell

Mary Faith Bell, Commissioner

 0 — — /

ATTEST: Tassi O'Neil
County Clerk

APPROVED AS TO FORM:

By: 

Special Deputy



William K. Sargent, County Counsel



EXHIBIT

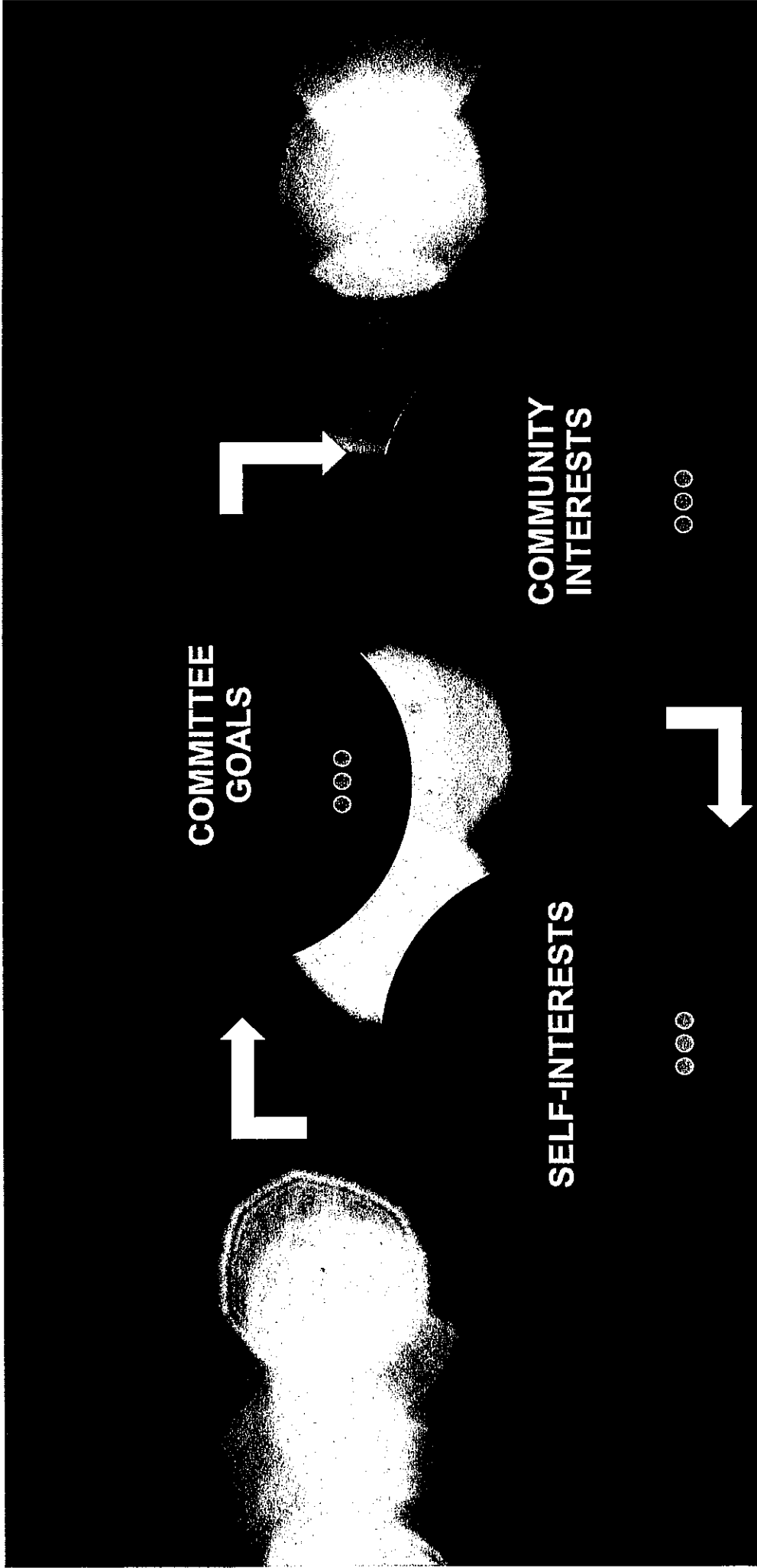
D

STR ADVISORY
COMMITTEE



APRIL 5, 2022

INTERESTS ACTIVITIES



INTERESTS OF STR COMMITTEE

LIVABILITY

PUBLIC SAFETY

ECONOMICS

REGULATION

RELATIONSHIPS

PROPERTY RIGHTS

LIVABILITY- STR PROGRAM



BETTER ENFORCEMENT
OF REGULATIONS



PROGRAM CONSISTENCY



FAIR & REASONABLE
RULES



COMMUNITY
PARTICIPATION IN RULE
MAKING



STR OWNER
PARTICIPATION IN RULE
MAKING



ESTABLISH LIMITS ON #
OF STRs IN
COMMUNITIES

LIVABILITY- COMMUNITY

DEVELOP POSITIVE
RELATIONSHIPS
BETWEEN STR OWNERS
& RESIDENTS



RECONCILE COMMUNITY
CONFLICTS



PARTICIPATION IN
COMMUNITY ISSUES



COMMUNITY INPUT &
LOCALLY DRIVEN
SOLUTIONS



PRESERVATION OF
COMMUNITIES &
NEIGHBORHOODS



SUPPORT COMMUNITY
INTERESTS



LIVABILITY- COMMUNITY

FOR THE
ECONOMY
INTEREST

PUBLIC SAFETY



EMERGENCY
PROVISIONS



SAFETY FOR VISITORS



SAFETY FOR NEIGHBORS



PARKING



ROAD QUALITY



BETTER ENFORCEMENT
FOR THOSE WHO
VIOLATE REGULATIONS

BUSINESS & ECONOMICS



TLT TECH SUPPORT



ACCESS TO AFFORDABLE HOUSING



VACATION RENTAL IS FAMILY BUSINESS



TLT FUNDING FOR COMMUNITY PROJECTS & PUBLIC SAFETY- COMMUNITY-BASED ALLOCATION OF FUNDING

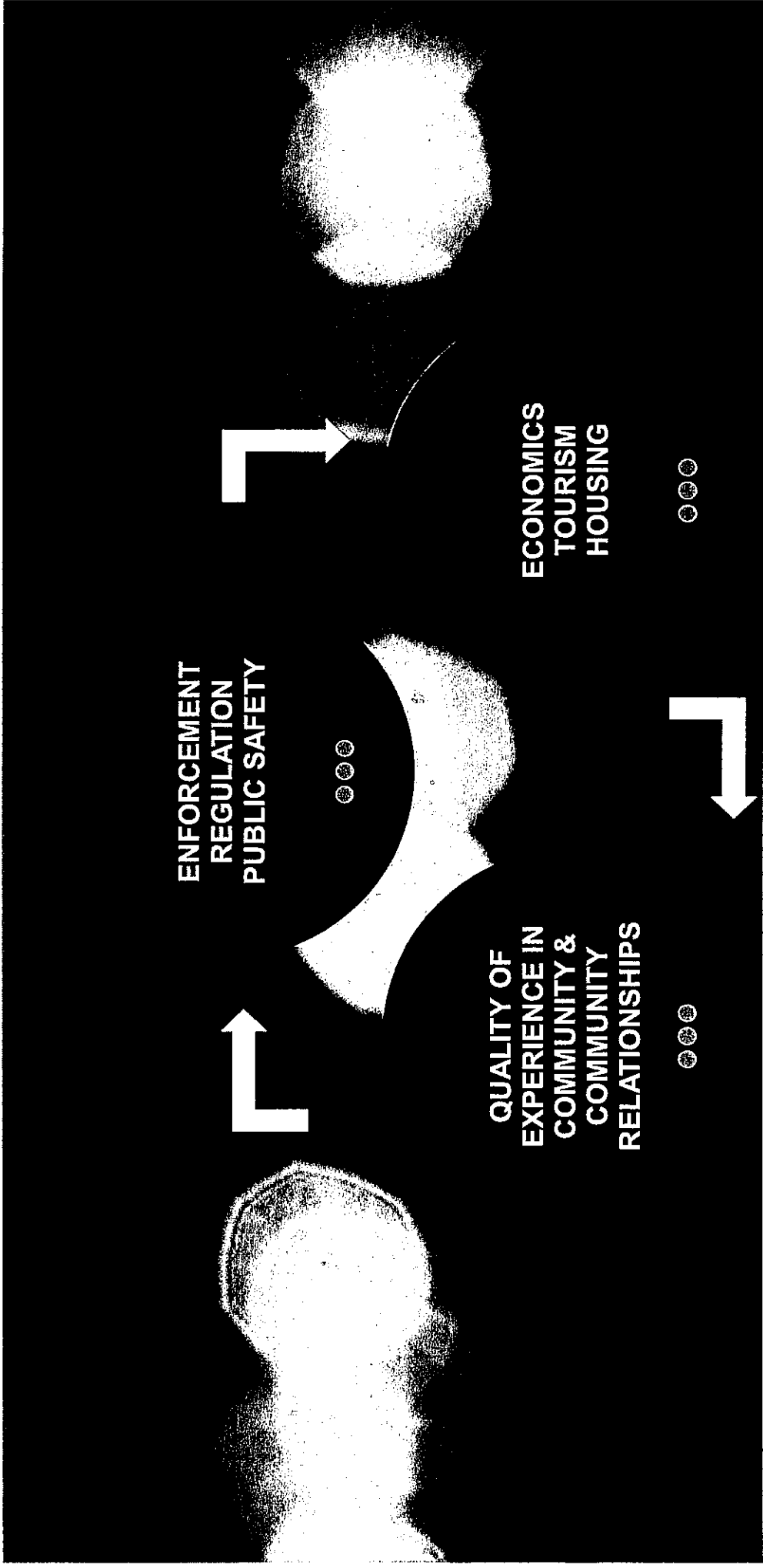


HOUSING FOR LOCAL EMPLOYMENT



REAL ESTATE & STR PROGRAM RELATIONSHIP

MANY INTERESTS OVERLAP





IDENTIFICATION OF COMMUNITY INTERESTS

**WHAT MATTERS TO THE COMMUNITIES OR ORGANIZATIONS STR
ADVISORY COMMITTEE MEMBERS REPRESENT?**

Community interests

LIVABILITY

REGULATION &
ENFORCEMENT

ECONOMICS

PUBLIC
SAFETY

COMMUNITY
RELATIONSHIPS

PROPERTY
RIGHTS

WHAT MATTERS



EQUAL RESPECT FOR
LOCALS & VISITORS



COMMUNITY
PARTICIPATION IN
FORMULATION OF CAP



PARKING, NOISE & OVER-
CROWDING



PRESERVATION &
BALANCE OF PROPERTY
RIGHTS



MAKE SURE EVERYONE
FEELS WELCOME & SAFE



PUBLIC SAFETY

WHAT MATTERS

EMERGENCY
PREPAREDNESS-
DISASTER NOTIFICATION



SUPPORT OF STR
OWNERS WHO DO IT
RIGHT



BETTER CODE
ENFORCEMENT



ADDRESS COMMON
COMPLAINTS



PRESERVE PUBLIC
ACCESS TO COASTAL
COMMUNITIES



BRIDGE GAP BETWEEN
FULL-TIME RESIDENTS,
STR OWNERS & GUESTS

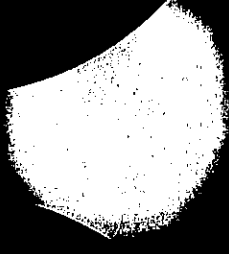


TOP 3 INTERESTS

ENFORCEMENT
31%

SAFETY
15%

LIVABILITY
42%



COMMITTEE GOALS

DEVELOP CONSISTENCY WITH REGULATIONS

PROMOTE LIVABILITY IN COMMUNITIES

SUPPORT COMMUNITY INTERESTS

DEVELOP A DEEPER UNDERSTANDING OF THE ECONOMIC ROLE OF STRs in TILLAMOOK COUNTY

PUBLIC SAFETY

EMERGENCY PREPAREDNESS

FUNDING SOURCES FOR STR PROGRAM SUPPORT & COMMUNITY LIVABILITY

STR OPERATOR LICENSE FEE:

- FUNDING FOR HOUSING
- FUNDING FOR PUBLIC SAFETY
- FUNDING SUPPORT FOR STR PROGRAM

EXHIBIT

E

Short-Term Rental Program Enforcement Discussion

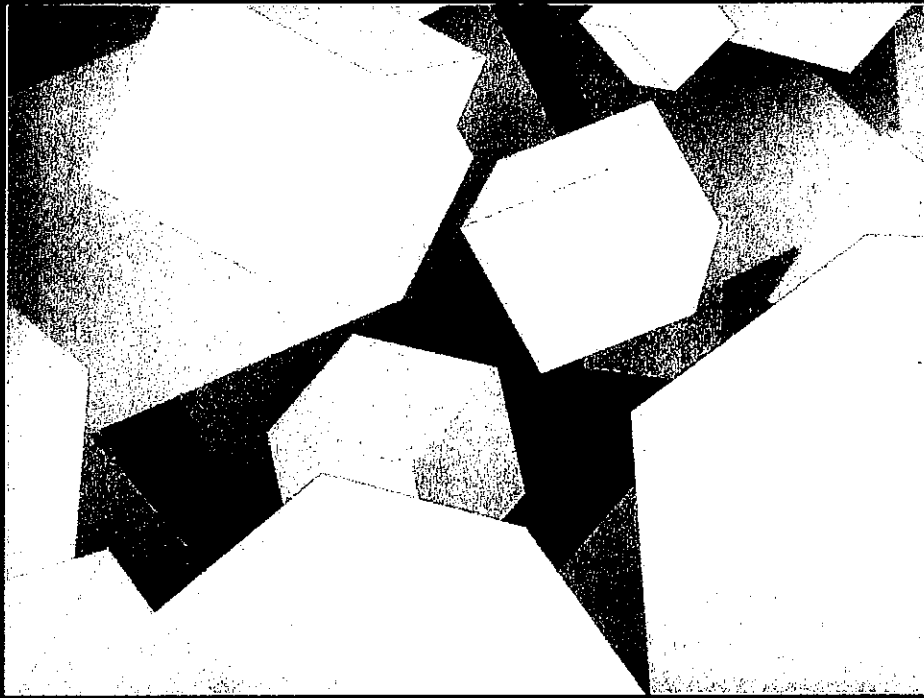
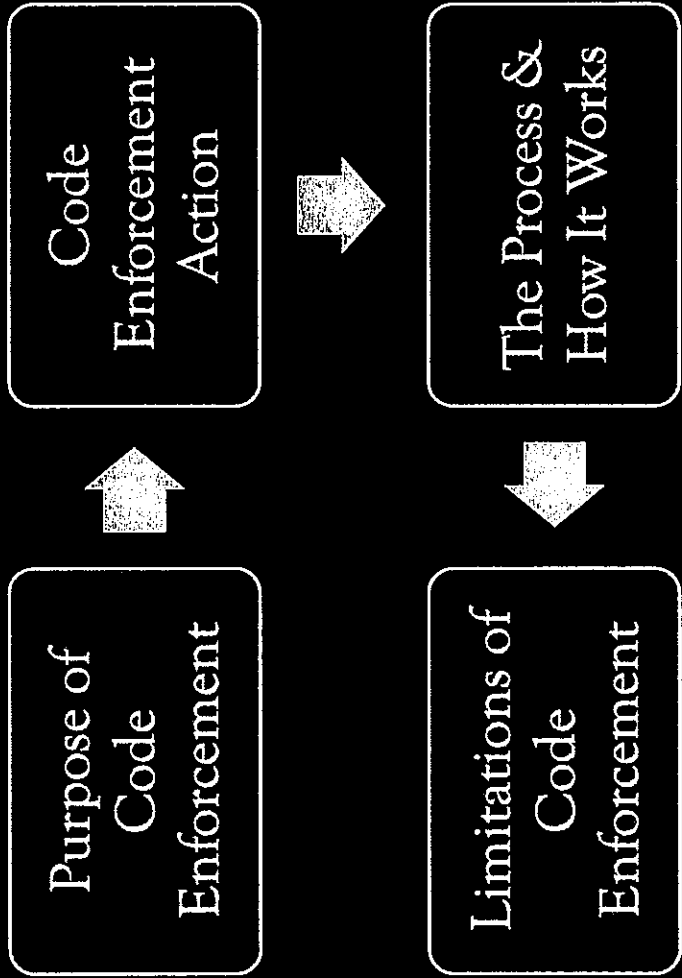
Tillamook County Sheriff Josh Brown

Tillamook County Undersheriff Kelly

Tillamook County Counsel

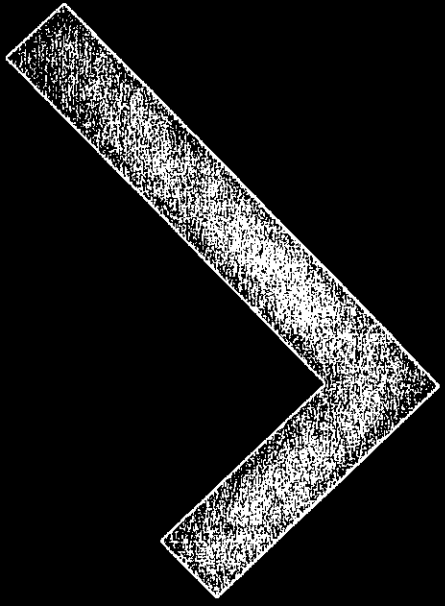
Sarah Absher, Director, Community Development

KEY AREAS OF DISCUSSION



TO PROVIDE AN
EFFICIENT AND FAIR
METHOD FOR
ENFORCING
ORDINANCES &
REGULATIONS

PURPOSE
OF
CODE
ENFORCEMENT



CODE COMPLIANCE

OUTCOME OF CODE ENFORCEMENT
ACTION

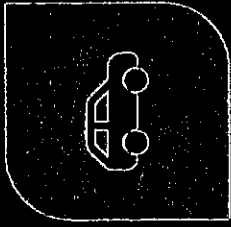
EXAMPLES OF ENFORCEMENT ACTION

VIOLATION LETTER

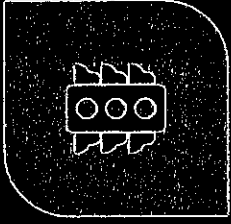
CITATION ISSUANCE

COURT OF HEARING PROCEEDINGS

COMPLAINTS



PARKING



TRAFFIC



PET WASTE
GARBAGE

NOISE

COMPLAINTS
VIOLATIONS
&
CIVIL MATTERS

PROCESS FOR COMPLAINTS

Communication
with Contact Person.

Contact Person
Required to Respond
within 20 Minutes

Failure of Action:
Complaining Party
Reports to
Department.

Complaint is Logged.

Director Provides
Written Response
within 10 Days with
Determination
whether Complaint
is a Violation.

COMPLAINT STATISTICS	
* Civil 2020 (falls outside Ordinance Regulations)	2
* Civil 2021 (falls outside Ordinance Regulations)	1
Signage Violations in 2020	185
Signage Violations in 2021	157
Signage Violations in 2022	83
* Code Enforcement Notifications in 2020	8
* Code Enforcement Notifications in 2021	13
Code Enforcement Notifications in 2022 (to date)	2

2020 Code Enforcement Location & Amount
4 - Central County
3 - South County
1 - North County

2022 Code Enforcement Location & Amount
1 - Cental County
1 - North County

2021 Code Enforcement Location & Amount
8 - South County
3 - North County
2 - Central County

NATURE OF COMPLAINTS

CIVIL

2020

2021

COMPLAINTS

COMPLAINTS

COMPLAINTS

NOISE

PARKING PREVENTING

GARBAGE DEBRIS

DOG/PET TRESPASSING

PASSAGE OF EMERGENCY
VEHICLES

LOCAL CONTACT RESPONSE
EXCEEDING 20 MINUTES

GUESTS TRESPASSING

ADVERTISING EXCEEDING
OCCUPANCY ALLOWANCE

ADVERTISING EXCEEDING
OCCUPANCY ALLOWANCE

GARBAGE DEBRIS

LAND USE VIOLATIONS

DISTURBANCE CALLS

BUILDING CODE
VIOLATIONS

EXCESSIVE PARKING
PREVENTING PASSAGE OF
EMERGENCY VEHICLES

SIGNAGE NOT POSTED

DISTURBANCE CALLS

DEPARTMENT ACTIONS

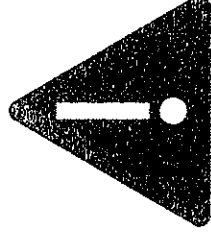


Compliance

Letter Issued

Violation Remedied

Log Updated



Non-Compliance

Final Warning Letter

Citation

Action

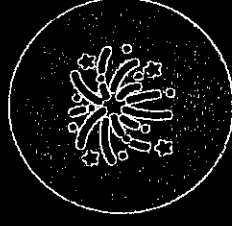
BASIS FOR ACTION

BURDEN OF
PROOF



EVIDENCE

“3 STRIKES
RULE”



APPLICATION OF
REGULATIONS

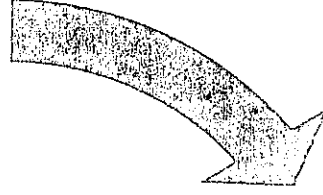


WHAT'S WORKING?

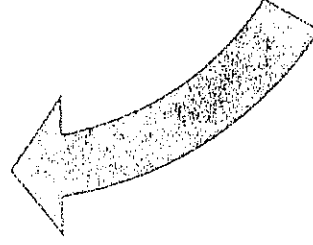
EFFECTIVE
VACATION
RENTAL
MANAGEMENT



CONTACT
PERSON
SIGNAGE



HELLO
NEIGHBOR

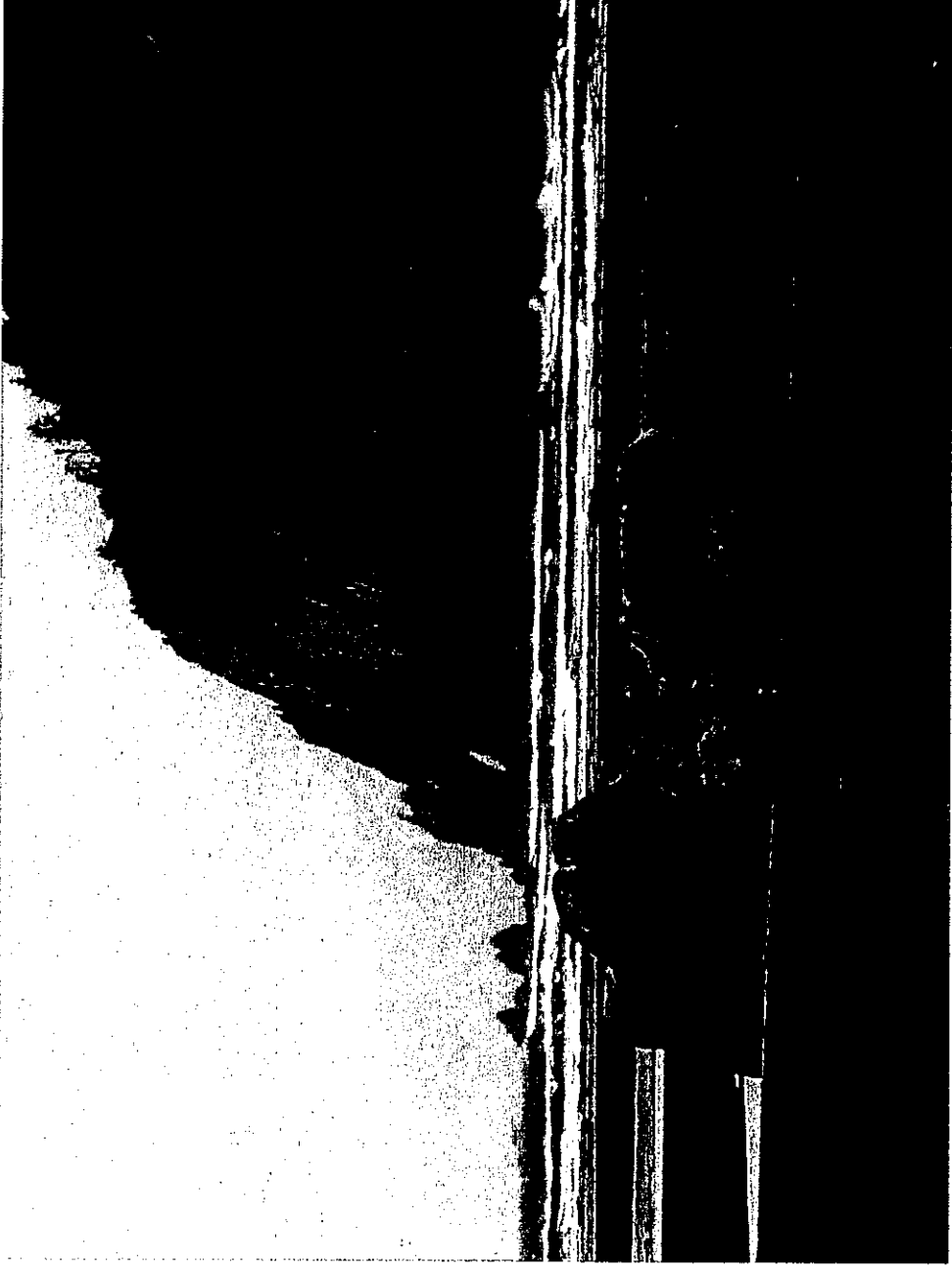


Q & A

EXHIBIT

F

Neahkahnie Community Survey



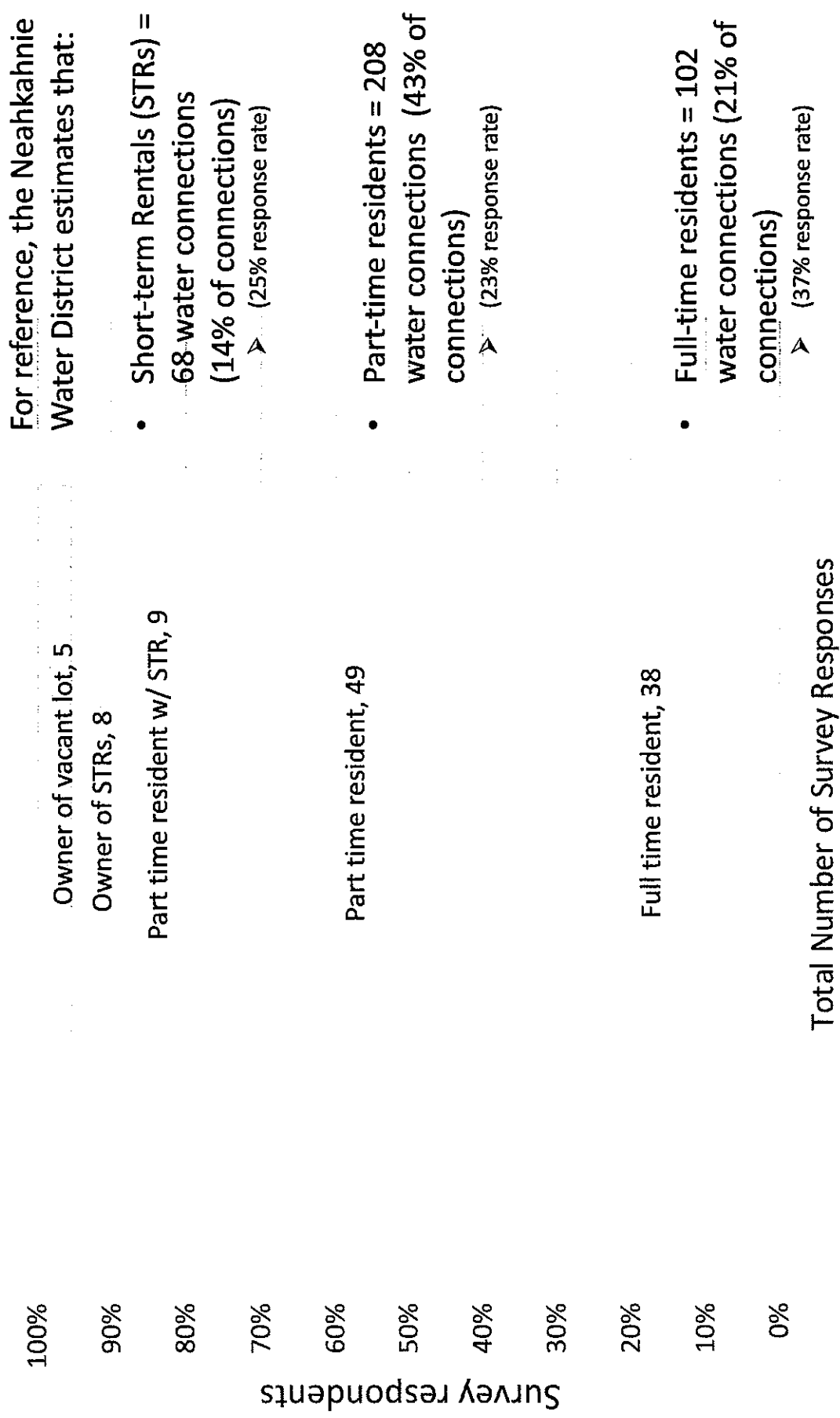
January/February 2022

Summary

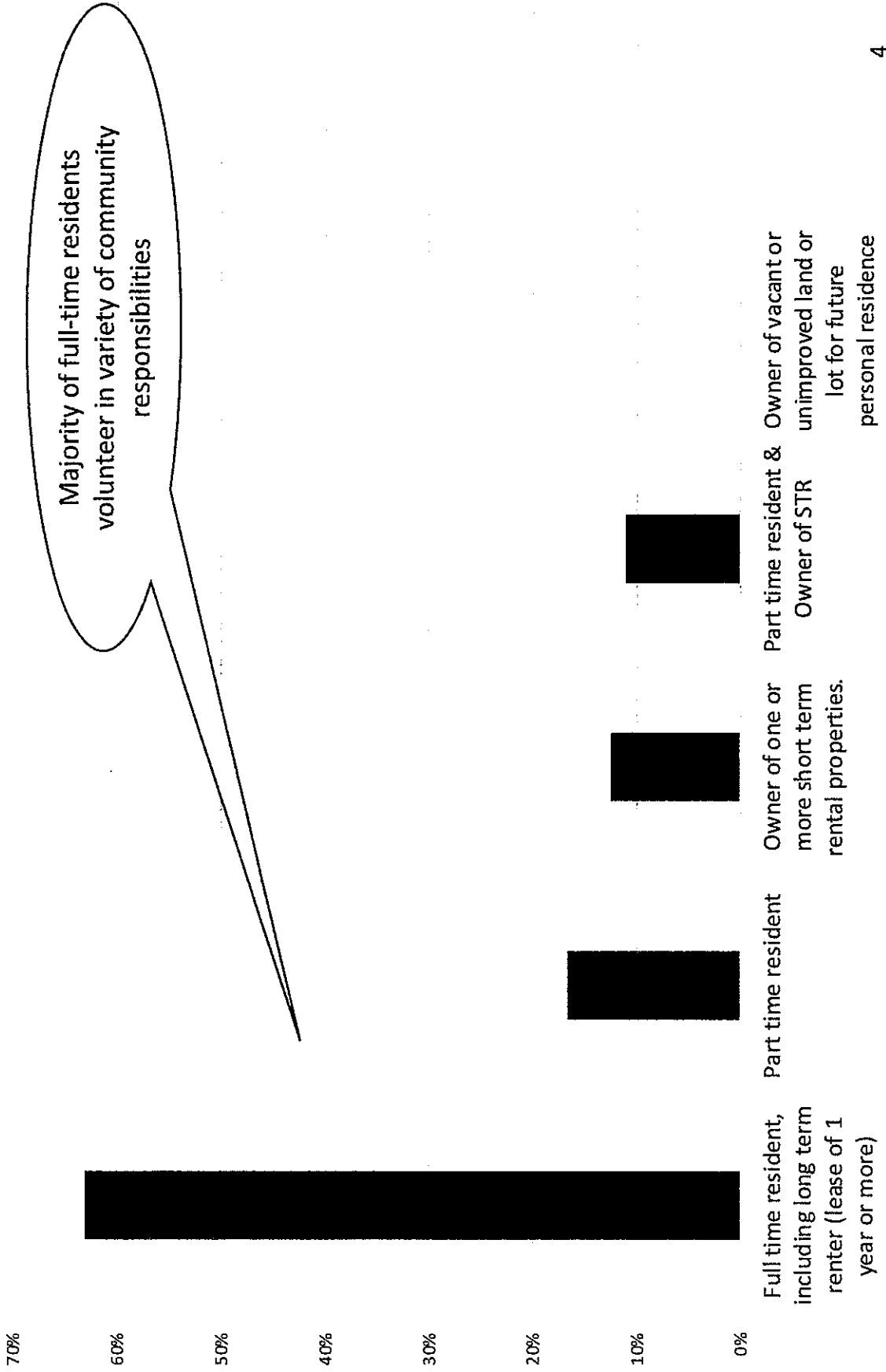
- **Purpose:** This Community Survey was conducted to gather basic information regarding the Neahkahnie community, including beliefs and concerns and to test level of interest regarding formation of a Community Advisory Committee to the Tillamook County Commissioners
- **Method:** A postcard mailing was made to the entire mailing list of the Neahkahnie Water District soliciting interest and providing an email address to register for further communications. An email was sent to all those who responded to the postcard inviting participation in this survey.
- **Results:** Summary results of the survey are included in the following slides. *(Note well, this survey reflects those community members motivated to respond - i.e. it is not a statistically accurate in the scientific, quantitative sense. Thus, it is suggestive of community characteristics.)*

109 survey responses were received

(this is a 64% response rate to the postcard mailing)

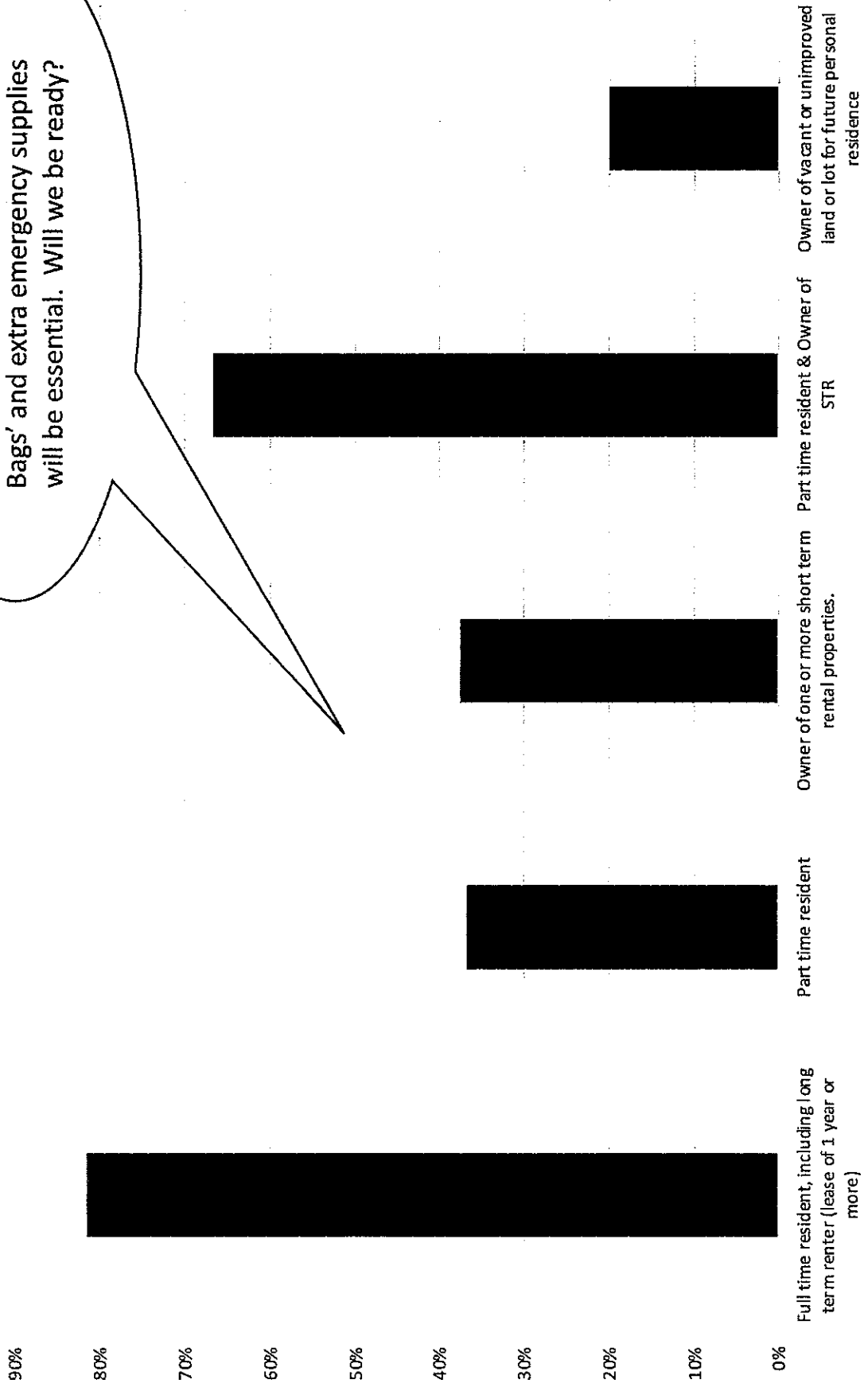


Volunteer in community?



Emergency Supplies?

When the tsunami occurs, 'Go Bags' and extra emergency supplies will be essential. Will we be ready?



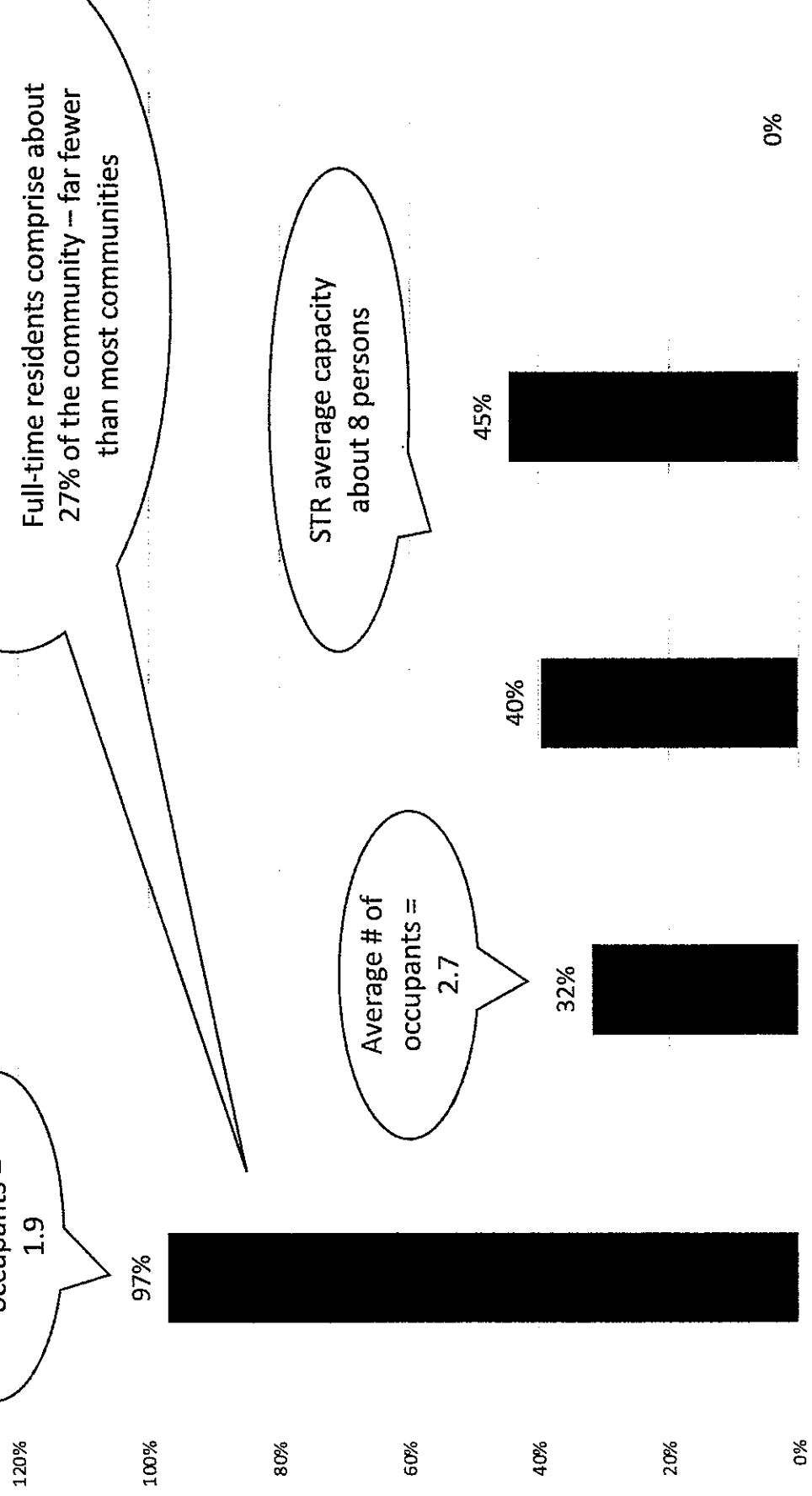
Typical Occupancy – percent of year

Little surprise that full-time residents are here most of the year.
 Full-time residents comprise about 27% of the community – far fewer than most communities

Average # of occupants = 1.9

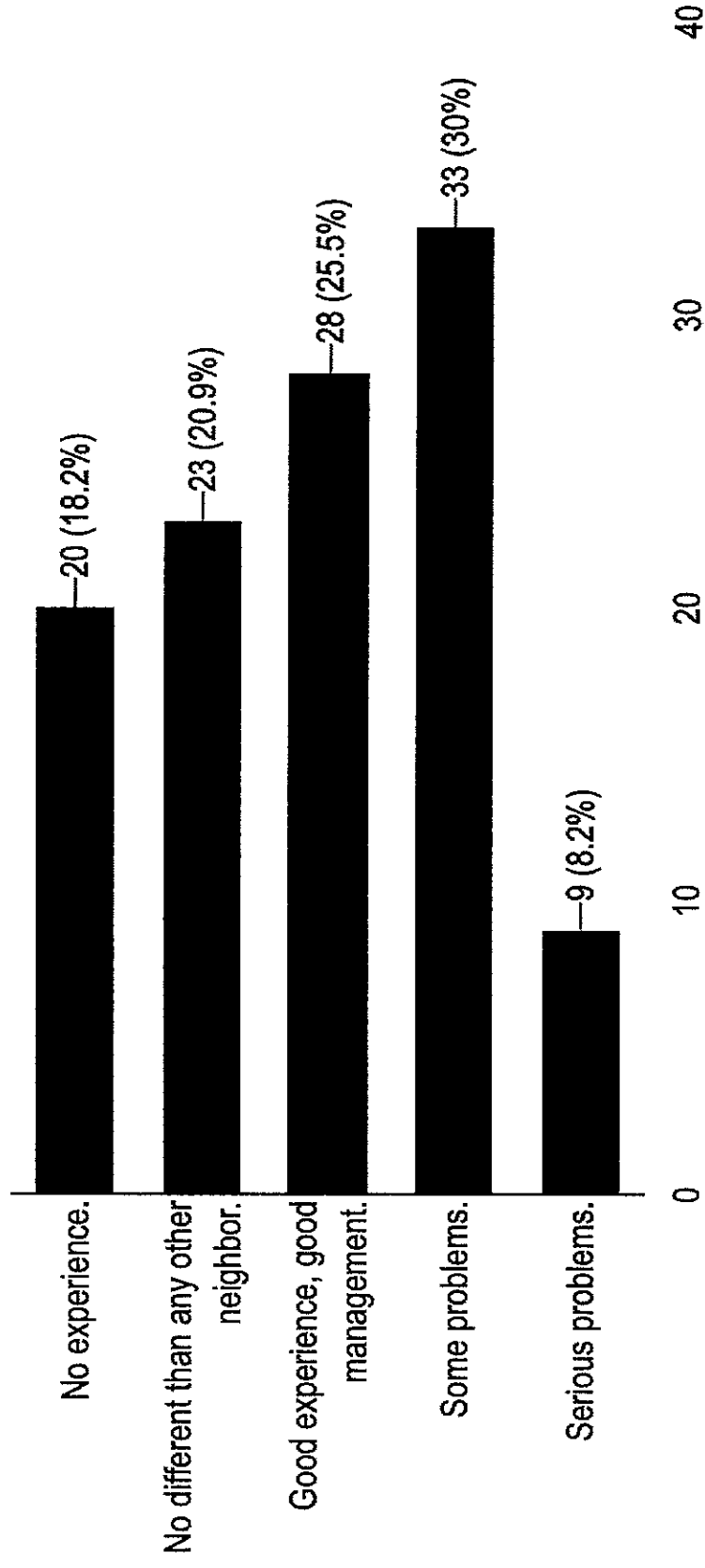
STR average capacity about 8 persons

Average # of occupants = 2.7

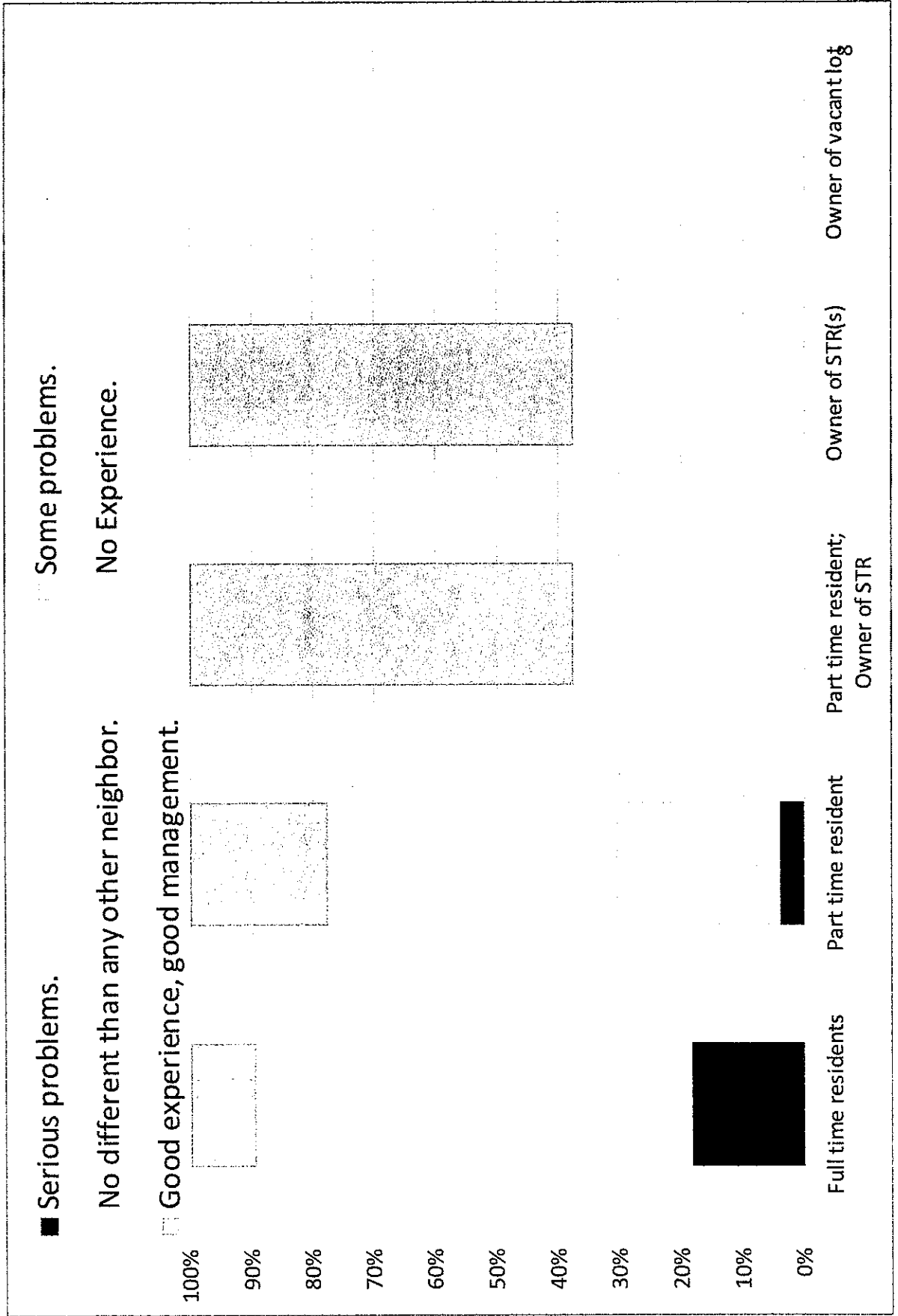


Wide variety of experiences with Short-Term Rentals (STRs)

110 responses

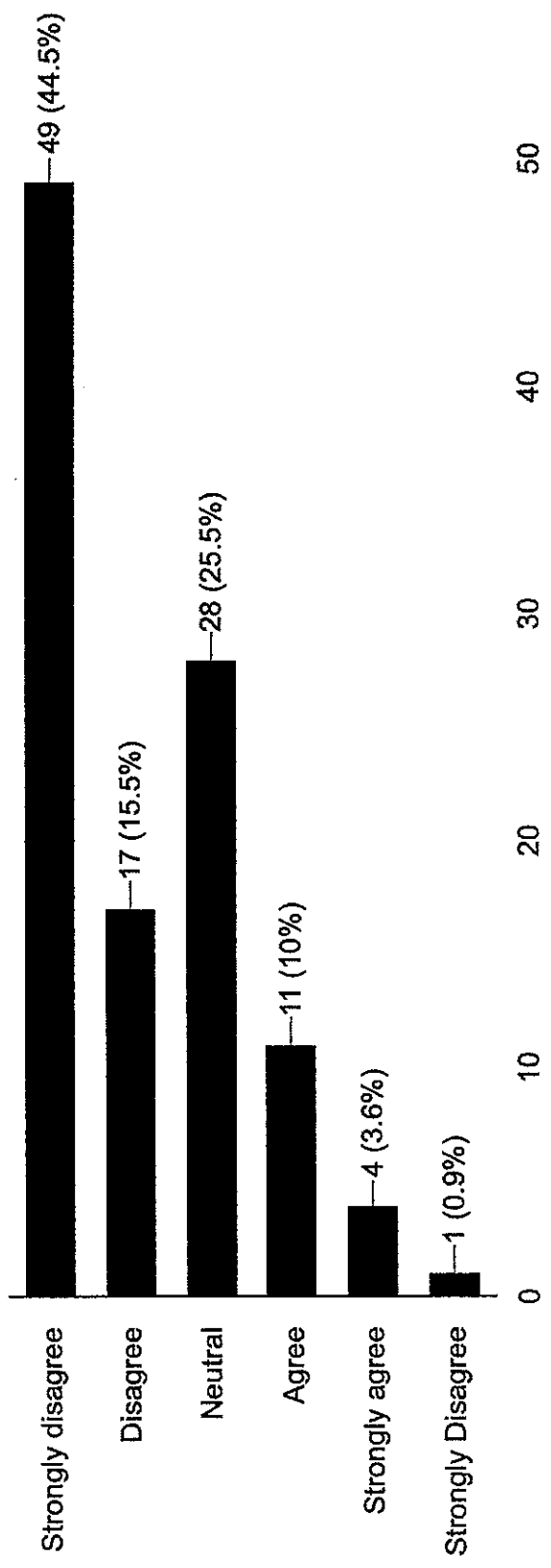


Most Full-Time residents have problems with STRs.
 Part-Time residents have mixed experience with STRs.
 Whereas STR Owners have good experiences.

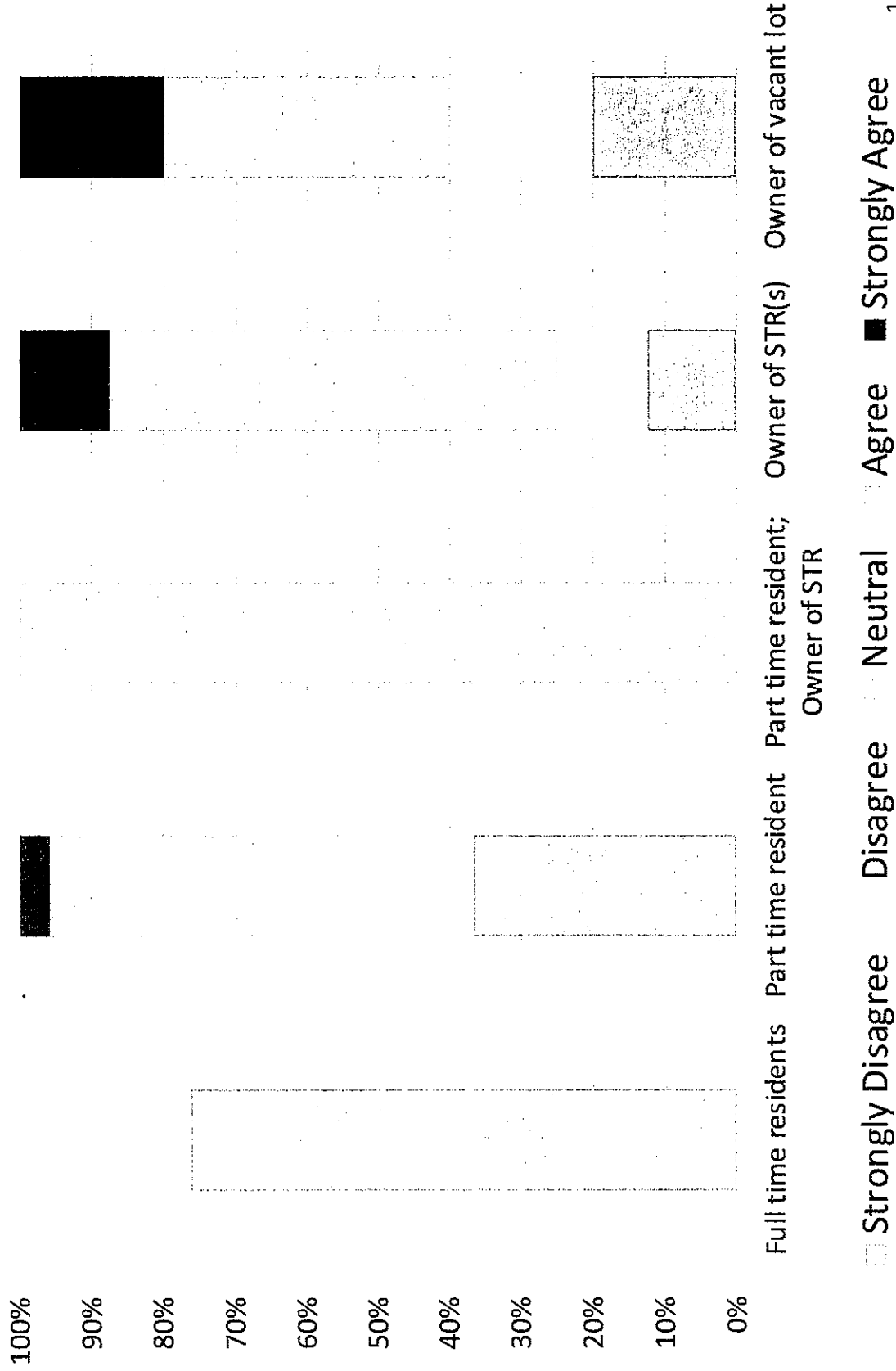


What is your opinion of the current Tillamook County policy of NO LIMIT on the number of Neahkahnie properties that can be permitted for use as short-term rentals?

110 responses



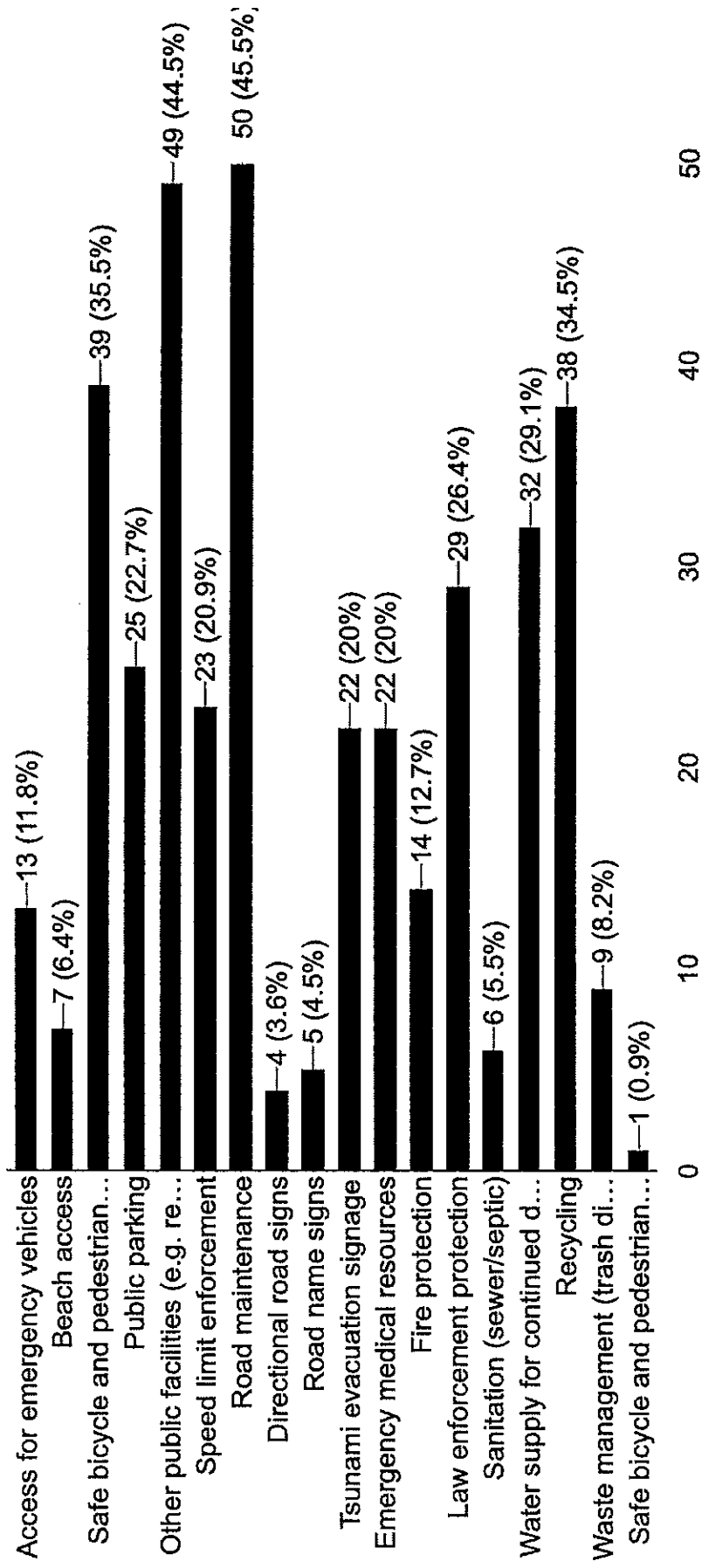
Full and Part-time residents tend to Strongly Disagree or Disagree with County 'no limit' policy on number of STRs



Concerns about services or facilities

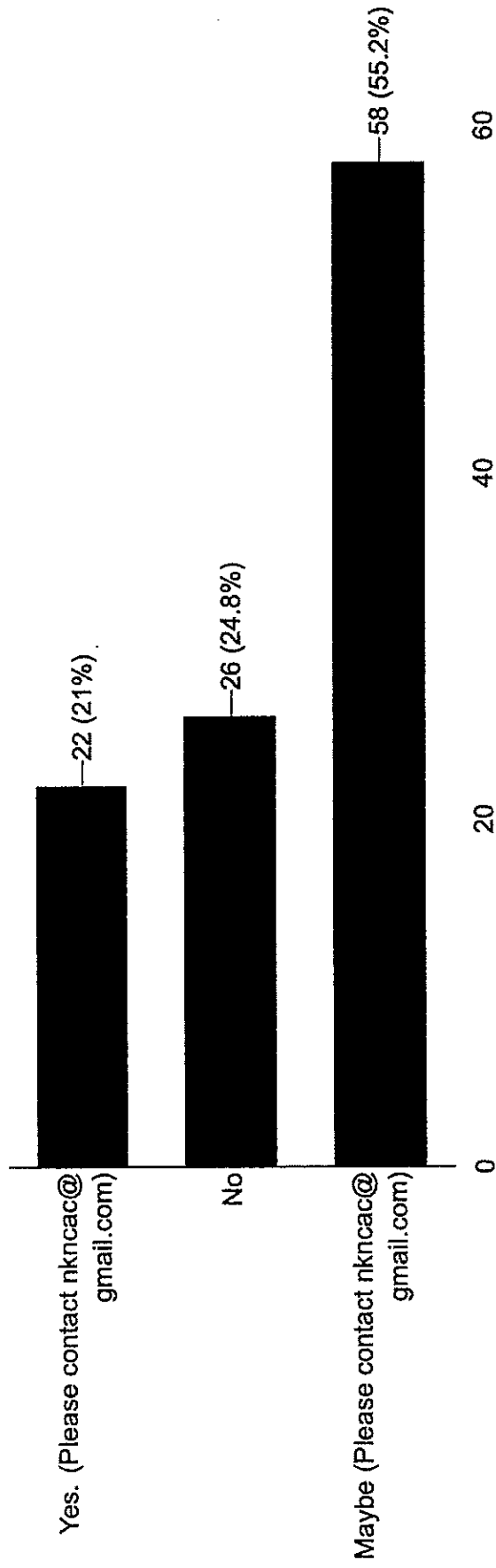
(check all that apply)

110 responses



The existing Neahkahnie Community Plan was adopted in 1998 and needs to be updated. Will you volunteer to participate in this project?

105 responses



Sampling of Comments

- The zoning in our neighborhood is zoned for single family residential. Short term Rentals require commercial zoning and should not be allowed.
- Limit number of short-term rentals. Off street parking should be mandatory for short term rentals. Limit size and capacity of short-term rentals
- Tourism is an important part of our economy and short-term rentals are a part of that. Should not allow a large development in NKN but need to manage and allow the short-term rentals.
- Parking limits not being enforced, cars blocking street at rental properties
- we support short term rentals. They make it possible for many families to experience the Oregon Coast.
- The guests from short term rentals provide tax revenue to Tillamook county and they have a positive economic impact on the whole area.
- Too many visitors at one residence. Too many cars that a property is unable to accommodate. Noise. Fireworks.
- We are concerned about a finite amount of public infrastructure (water, sewer & recycling)

In which neighborhood of Neskowin do you live, operate a business or work?

Top 10 Neighborhoods (Totalling 405 respondents):

Neskowin Village - 144

South Beach - 80

Sahhali Shores/Sahhali South - 26

Proposal Rock* - 26

Neskowin North - 21

Neskowin Crest - 19

Hawk Creek Hills - 11

Hills of Neskowin - 8

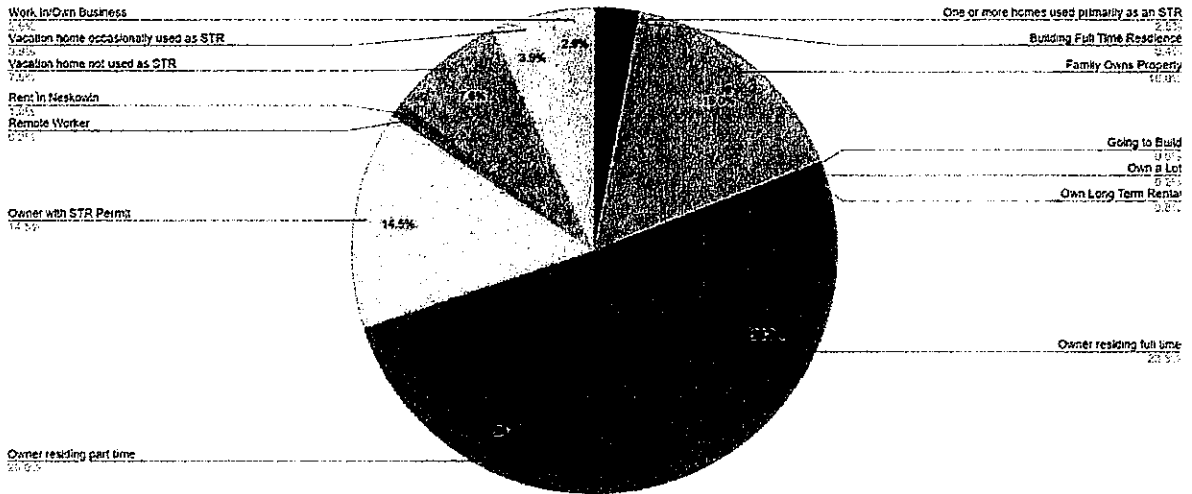
Slab Creek Road - 6

Tibbits Road - 6

Other Areas - 58

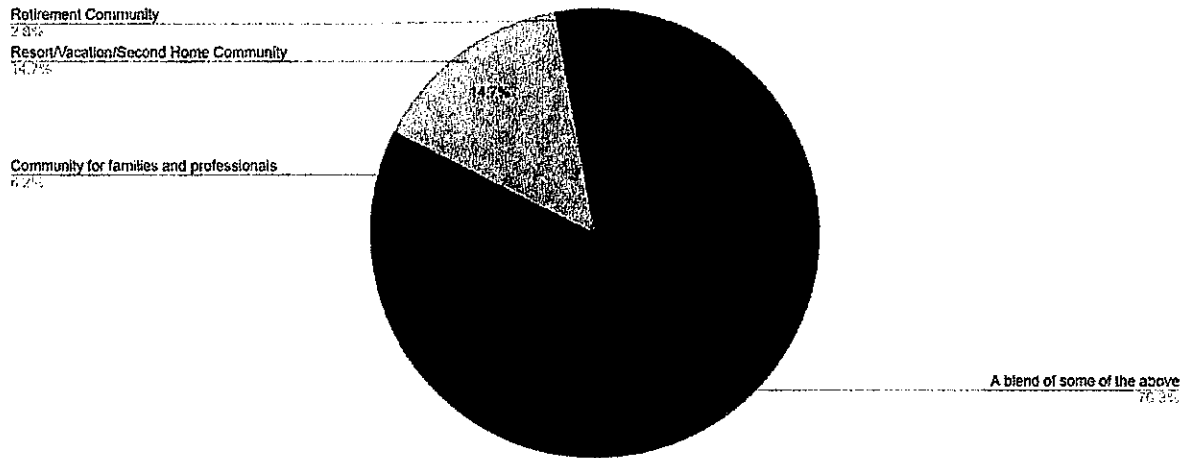
*Some possible Proposal Rock Inn respondents mixed with Proposal Rock Loop respondents

Please select all that apply to you (Percent of 405 respondents)



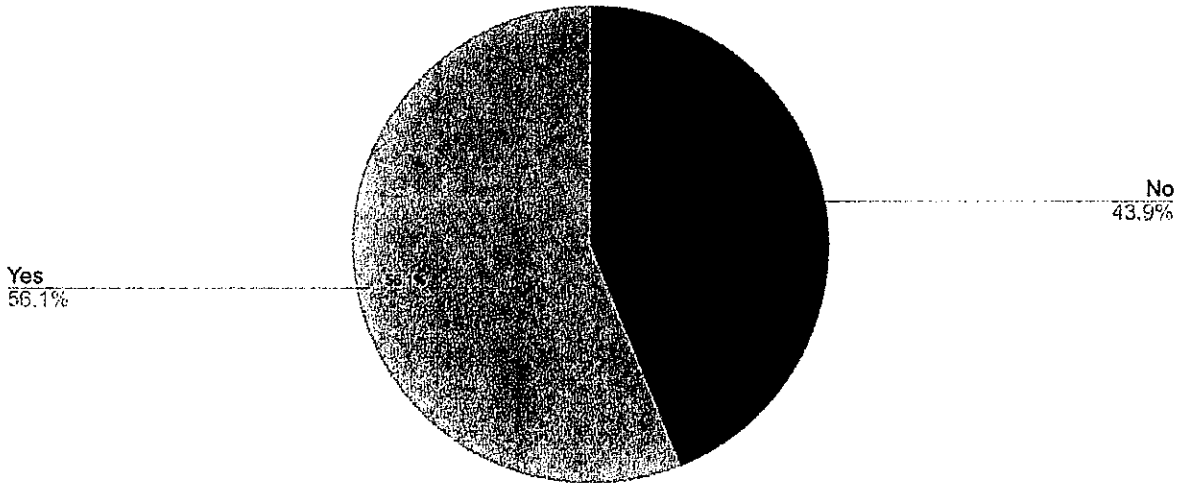
What is your relationship with Neskowin?

Describe your general impression of the Neskowin area by completing the statement, "To me, Neskowin is a/an..."



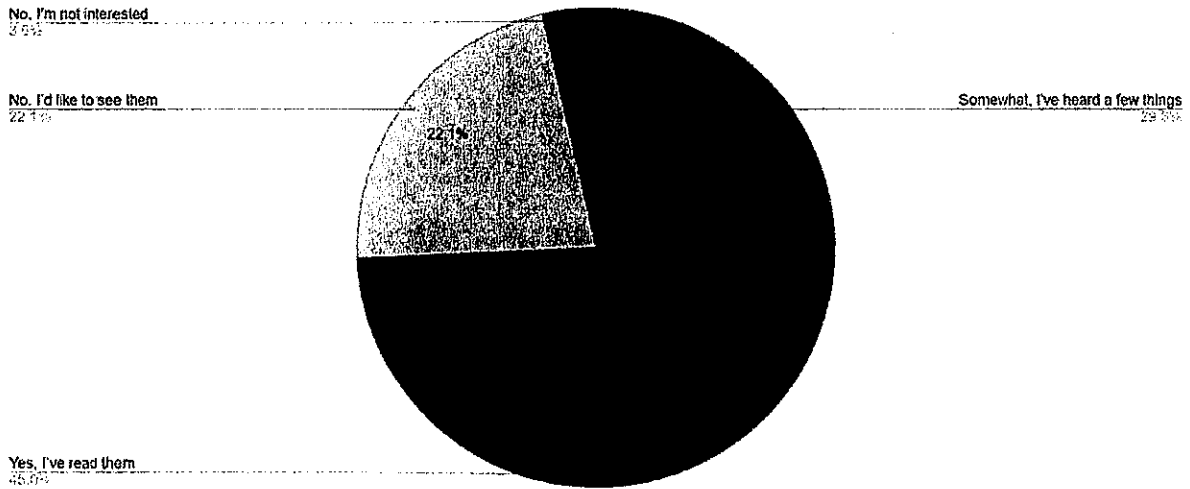
Please describe your general impression of the Neskowin area by completing the statement, 'To me, Neskowin is a/an...'

Do you use STR's when traveling?



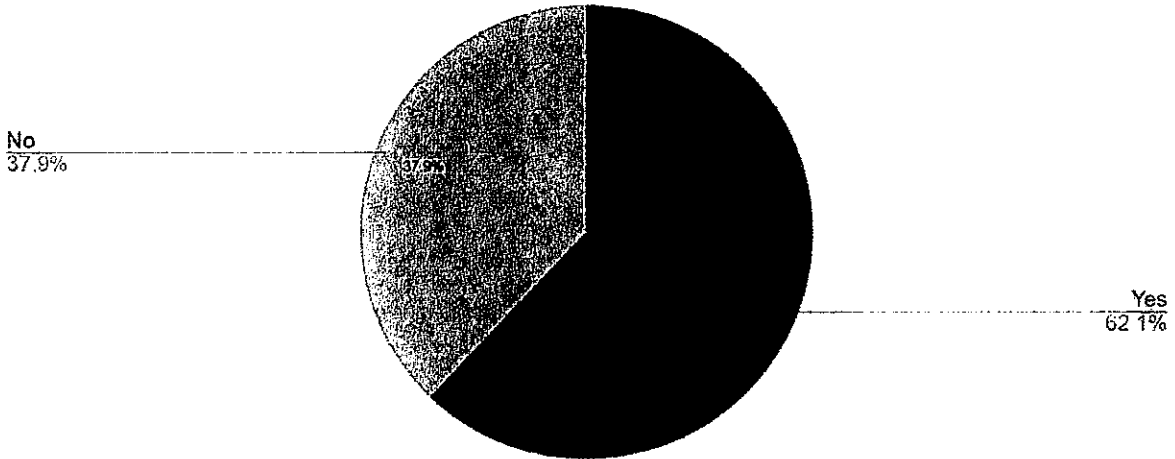
Do you use STRs while traveling?

Are you familiar with the current Tillamook County Ordinances and related policies for STR's?



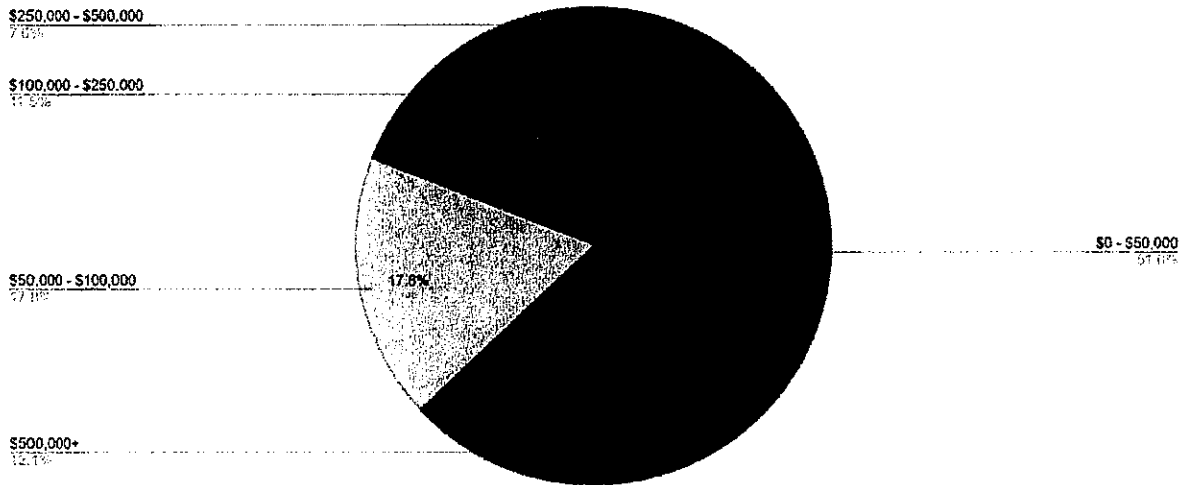
Are you familiar with the current Tillamook County Ordinances and related policies for STR's?

Are you familiar with the Transient Lodging Tax (TLT) and STR Operator Fee and the funds they generate for the community and County?



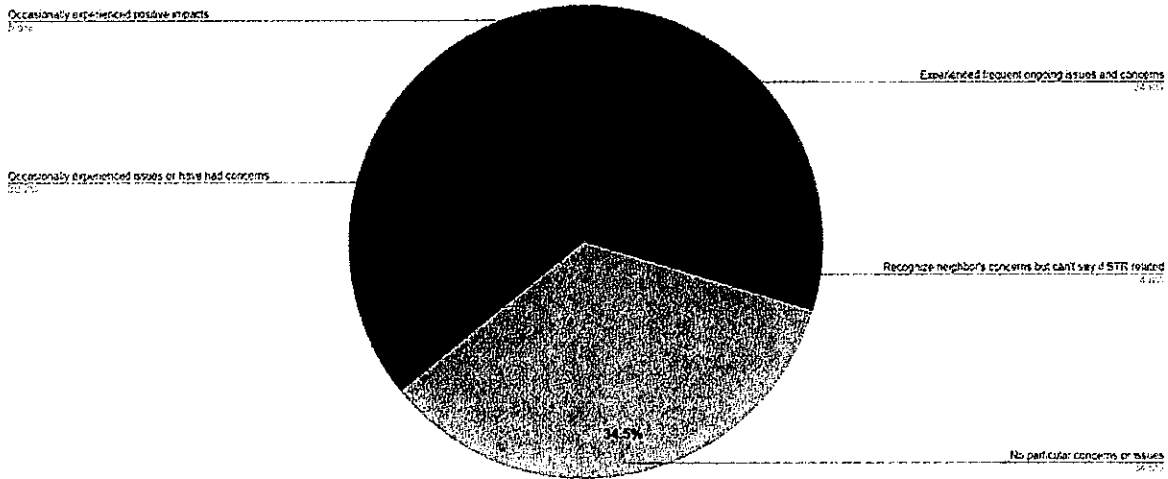
Are you familiar with the Transient Lodging Tax (TLT) and STR Operator Fee and the funds they generate for the community and County?

What dollar amount of TLT funds have been awarded for community projects in Neskowin in the last five years?



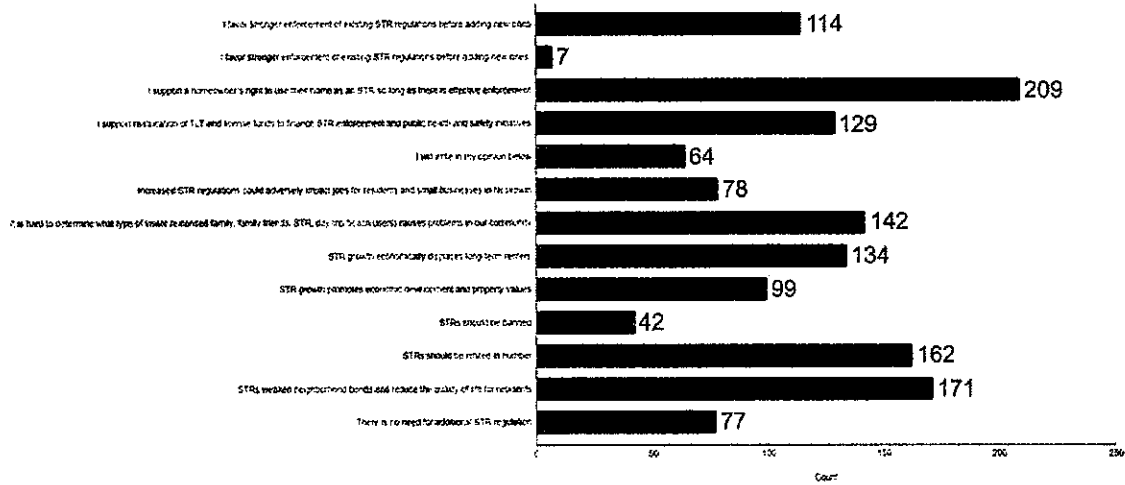
What dollar amount of TLT funds have been awarded for community projects in Neskowin in the last five years?

Which of these most accurately describes your direct experience regarding homes with STR permits in Neskowin



Which of these most accurately describes your direct experience regarding homes with STR permits in Neskowin?

Below are various views sometimes expressed in STR conversations. Select any that are consistent with your own view.



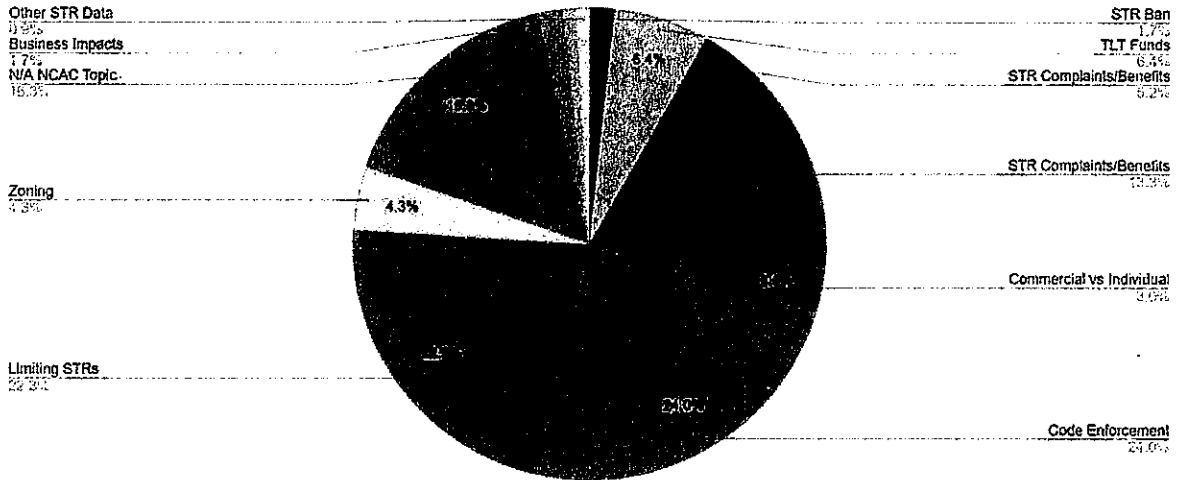
Below are various views sometimes expressed in STR conversations. Select any that are consistent with your own view.

If you have concerns about STR's in Neskowin, what are your TOP 5 concerns?

If you believe there are benefits to STR's in Neskowin, what are your TOP 5 benefits?

View fullsize

Future STR Meeting Topics



Oceanside Short Term Rental Survey

Effective **July 1, 2022**, the County Commissioners have "paused" the issuance of new short term rental licenses in unincorporated communities (including Oceanside). Here is a link to the [Order, Order Suspending STR Licensing](#). The stated goal is to allow time for the county - through its existing **Short Term Rental Advisory Committee** - to "identify strategies to mitigate the livability impacts of STRs in unincorporated areas." The order also recognized the role of STRs "in supporting the tourism economy in Tillamook County." **Jerry Keene** represents Central Tillamook County on the STR Committee, and **Terri Warren** specifically represents Oceanside. * They have asked us to survey Oceansiders on a few key issues. To participate, you can simply hit "Reply," fill in the answers, and hit "Send." If that does not work, you can copy and paste the Survey containing your responses in an email addressed to oceansidefriends@gmail.com. Jerry and Terri will share the results (but no names) in this Newsletter and in a report to their fellow STR Advisory Committee members.

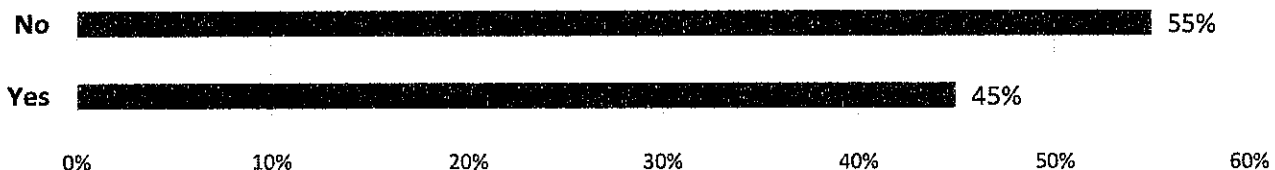
1. Do you consider yourself a full-time resident, a part-time resident, or an absentee property owner? Indicate if you are a short-term rental owner or operator as well.

Full time, part time, absentee, STR owner/operator



2. If you own or operate a STR so, do you utilize a management company?

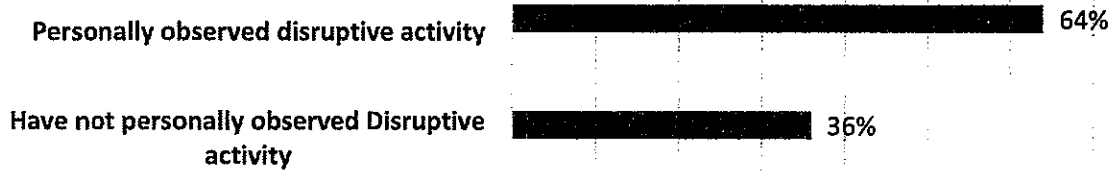
Do you utilize a management company for your short term rental?



3. Have you ever personally encountered or observed disruptive activity related to STR visitors near your property? Please describe the type of problem - for example, "noise (loud music or outside

conversations)," "inappropriate parking," "loose or unruly pets," "intrusive lighting," "trash disposal" or the like. Please also indicate if such problems are "frequent," "occasional" or "rare."

Have you personally observed disruptive behavior at a STR?

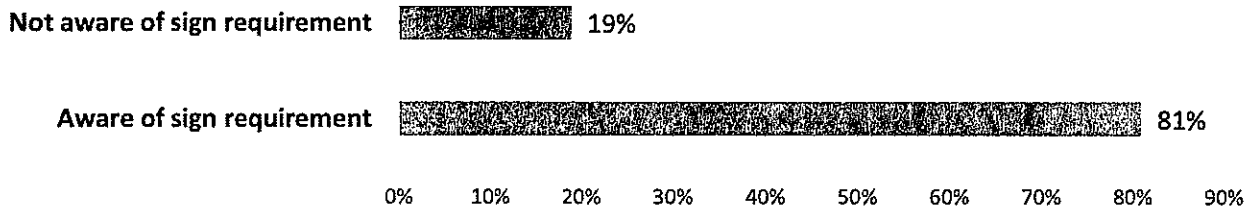


If you observed disruptive behavior, how often did that happen?

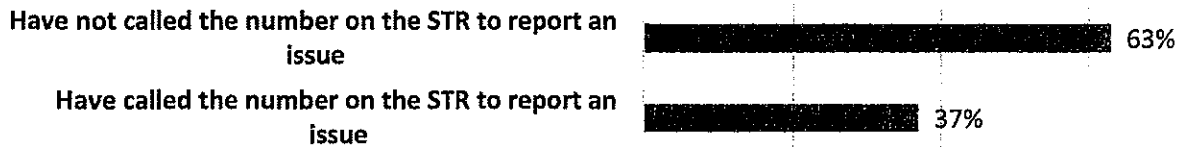


4. Were you aware that short term rentals must visibly post a "contact phone number" for complaints? If so, have you ever personally called to report a problem? Why or why not? If yes, were you satisfied or dissatisfied with the response?

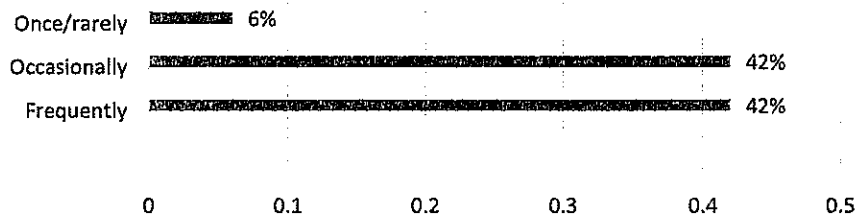
Awareness of sign requirement



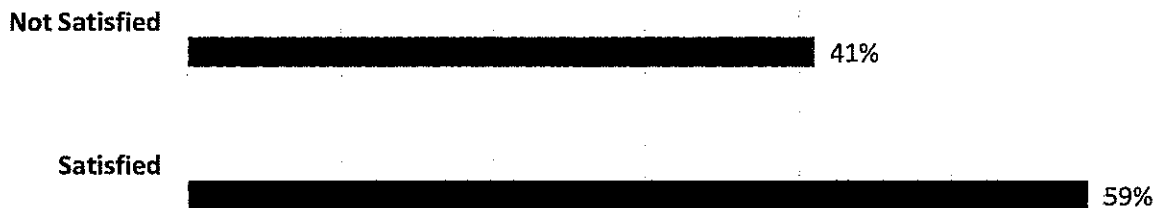
Have you called the number on a STR to report an issue?



You replied that you've used the phone numbers on the house to report an issue. What is the frequency of the calls?



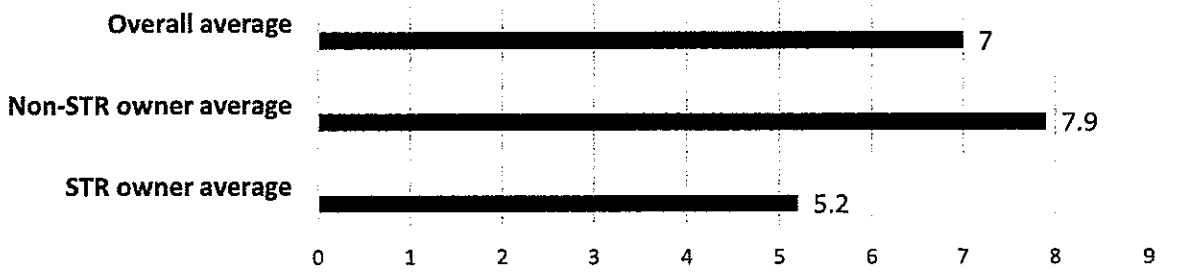
When you called the number for the STR to express your concern, were you satisfied with the result of your call or not?



5. STR issues often pit two fundamental property rights against each other. STR advocates prioritize the right to use one's property in a way that generates income and/or enhances its market value ("**marketability**"). Opponents prioritize the right to stable and livable residential neighborhoods ("**livability**"). Viewing these interests as opposite ends of a spectrum, select the number that best reflects where you would strike the balance between them. (For example, a "5" means you weigh them both equally. A "2" means you would prioritize "Marketability" much higher than "Liveability" in most cases).

(Marketability) 1 2 3 4 5 6 7 8 9 10 (Livability)

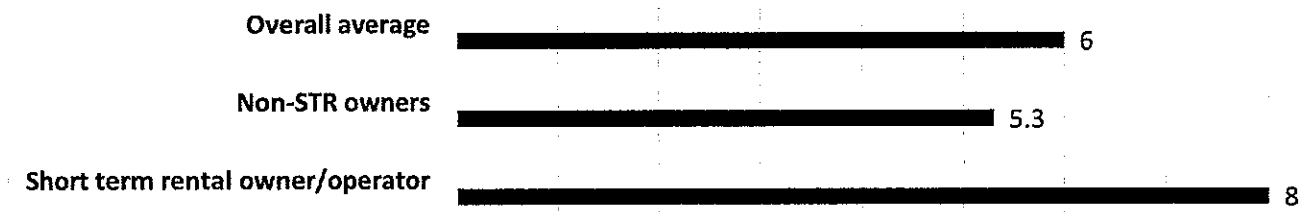
On the balance of marketability vs. Livability, short term rental owners/operators score vs. non-STR owner score



6. Tillamook County has historically collected between \$4 million and \$7 million in tourism lodging taxes (TLT) from STR customers, of which 30% is allocated directly to county road and bridge repair/maintenance. STR Operator's also pay an annual fee, generating hundreds of thousands of dollars for workforce housing initiatives (75%) and to law enforcement (25%). How important is that information to you in formulating your view of STRs generally?

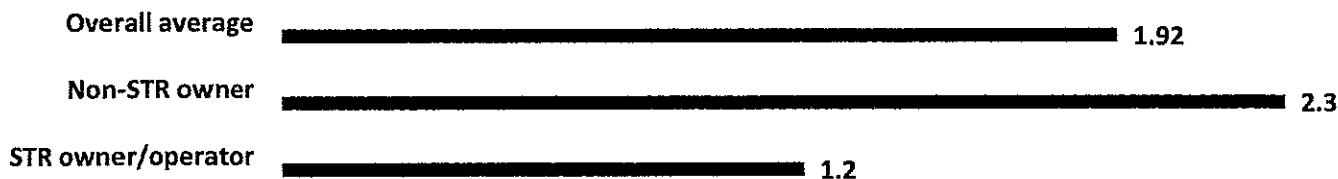
(No significance) 1 2 3 4 5 6 7 8 9 10 (Critical significance)

Importance of TLT income for the county projects and initiatives



7. Here are some alternatives being considered by the STR Committee. Please rate your support for each of them on a scale of 1 (absolutely oppose) to 5 (entirely support).

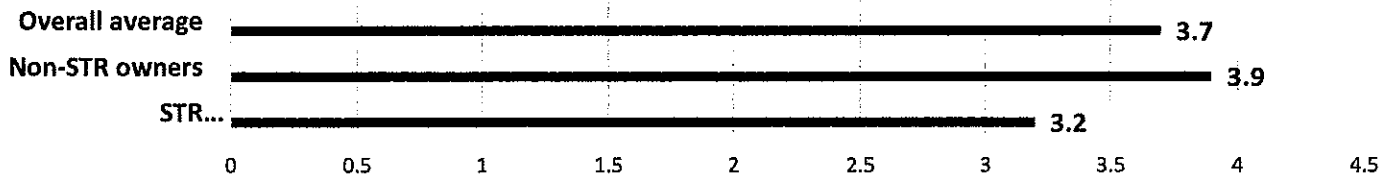
Ban and phase out all STR by owner/operator vs non-STR owners on a scale of 1 (absolutely oppose) to 5 (entirely support)



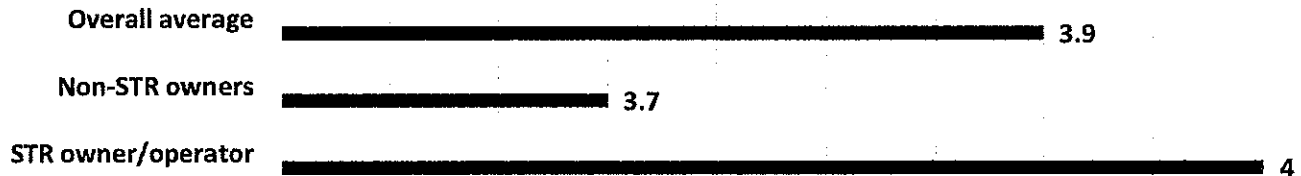
Limit an STR license to the current owner (new owners must re-apply and comply with upgraded requirements adopted since the previous license issued) by STR by owner/operator vs non-STR owners on a scale of...



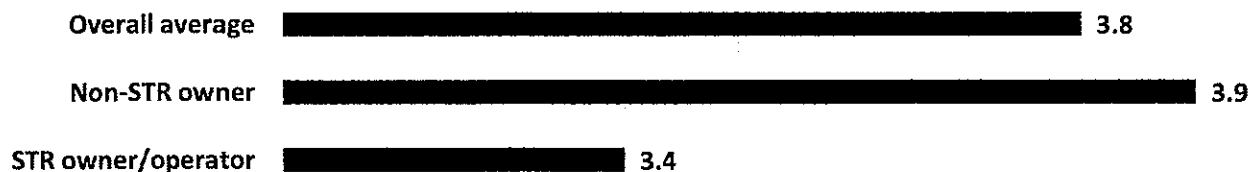
Cap the number or percentage of homes with STR licenses in each community by STR by owner/operator vs non-STR owners on a scale of 1 (absolutely oppose) to 5 (entirely support)



Use some STR tax or fee revenue to fund special enforcement personal to respond to STR-related complaints STR by owner/operator vs non-STR owners on a scale of 1 (absolutely oppose) to 5 (entirely support)

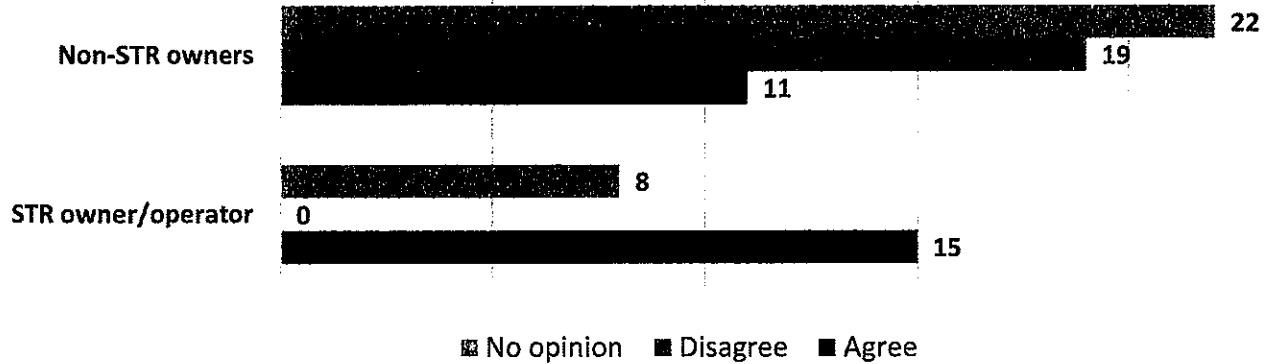


Reform current formulas to reduce the number of parked cars permitted at each STR by owner/operator vs non-STR owners on a scale of 1 (absolutely oppose) to 5 (entirely support)

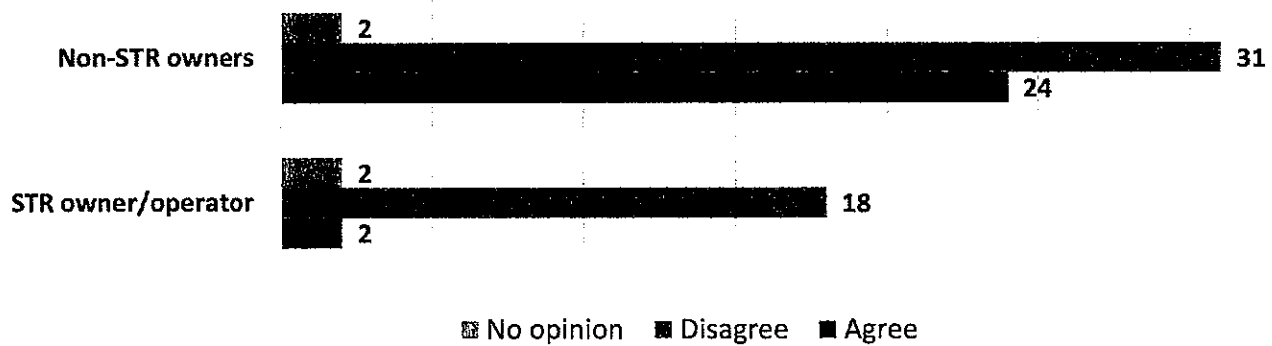


If you are willing to spend the additional time, we would appreciate your brief narrative response or reaction to each of these statements that have been offered during STR meetings.

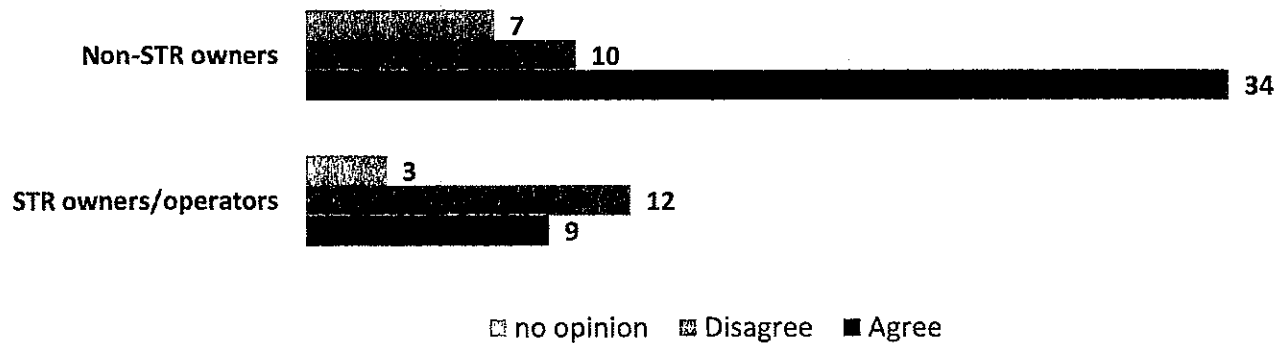
6. STR visitors are too often blamed for misconduct by day visitors or family/guests of actual owners.



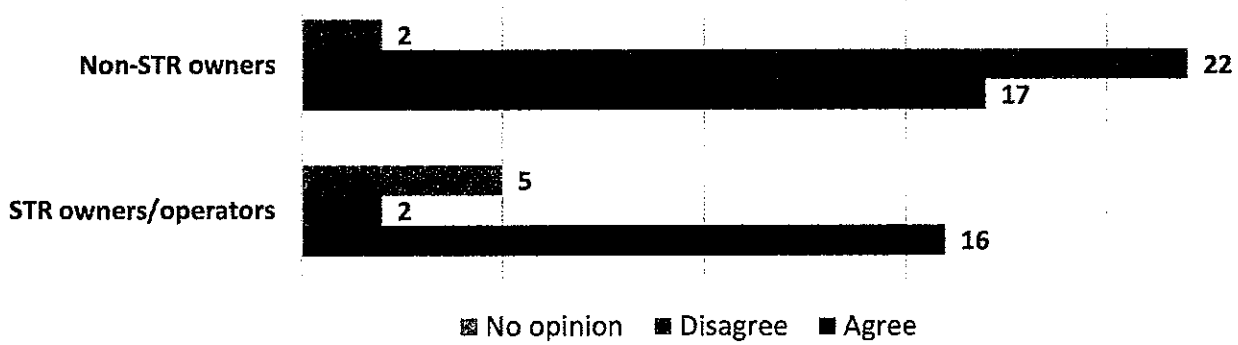
7. STRs inappropriately bring a commercial activity into residential zones



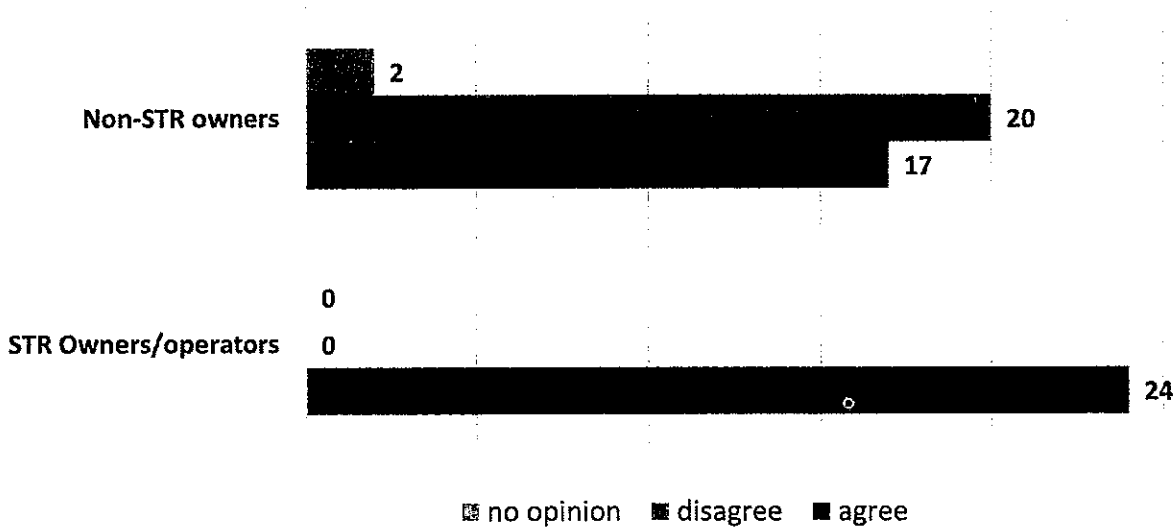
8. STRs displace long term renters or residents needed to support community resources like volunteer fire departments, crime watch efforts and neighborhood associations.



9. STR bans and caps would be less necessary if there was an adequate enforcement response when problems arise and are reported.



10. STRs are an under-appreciated but vital contributor to Tillamook County's economy and tax base.



Terri Warren, Oceanside STR Committee Representative
Jerry Keene, Central County STR Committee Representative

*Oceansider Pam Zielinski also serves on the STR Committee generally representing "Real Estate," and Netarts-Oceanside Fire Chief Tim Carpenter represents "Public Safety."

**RECOMMENDATIONS FOR UPDATING TILLAMOOK COUNTY ORDINANCE #84
SHORT-TERM RENTALS**

Neskowin Citizen Advisory Committee
STR Subcommittee

December 2022

The Neskowin Citizen Advisory Committee's Short-Term Rental Subcommittee was developed by the Neskowin Citizen Advisory Committee (NCAC) with the goal to foster communications between community members regarding Short-Term Rentals (STRs) in Neskowin. This new committee worked throughout 2022 to develop recommendations for updating rules and regulations in Tillamook County's Ordinance #84, which governs STRs throughout unincorporated areas of Tillamook County. These recommendations are specific to Neskowin. Our goal is to provide recommendations that reflect support from a variety of community members and demonstrate a balance of livability and personal property rights, while continuing our history of welcoming guests to Neskowin.

These recommendations were developed through a thoughtful combination of research, community feedback (public Zoom meetings, written submissions, communications with community members), attendance and participation in the county STR meetings, and two detailed community surveys. The goal of the first survey was to identify concerns & benefits related to STRs. The final survey's goal was to gauge opinions on priorities and proposed changes to Ordinance #84.

The final survey had 449 responses from eligible NCAC members. 165 respondents (37%) reported that they were homeowners with STR permits. 284 respondents (63%) reported they do not own a home used as an STR in Neskowin and included residents, seasonal owners, property owners, business operators/owners, and long term rental residents. It is worth noting that while 449 responses is a very good response rate, there are a number of eligible NCAC members who did not participate in the survey for whatever reason.

The recommendations from our subcommittee do not necessarily reflect the individual opinions of any STR subcommittee member, and recommendations to the county & NCAC are advisory only. Any updated rules & regulations will be voted on by the Tillamook County Board of County Commissioners. The recommendations are below, followed by a basic summary of survey data and survey results.

Neskowin Community Demographics as of October 2022 (all numbers are approximate):

908 Improved Properties - multiple owners all eligible for NCAC

426 Approximate Number of Unimproved Properties - multiple owners all eligible for NCAC

205 Residents - 2020 US Census

187 STR Permits - many granted to homes with multiple owners

85 condos, townhomes or apartments with STR permits (56 in commercial zoning)

102 stand alone homes with STR permits

RECOMMENDATIONS

- **Improved Enforcement**

There is community feedback that complaints are not adequately addressed by the county. The actual number of documented violations at STRs in Neskowin reported by Tillamook County is extremely low. Adding new rules and regulations is meaningless if they cannot be adequately enforced. Therefore, we highly recommend Tillamook County hire an enforcement officer who can work nights and weekends during the summer months to more effectively enforce Ordinance #84. A person in this role would be able to actively promote compliance and reduce the burden on the county sheriffs who are already spread thin responding to emergencies. This role will also reduce reliance on others to report perceived problems, as enforcement should not solely fall on neighbors. We consider enforcement to fall under both tourism and public safety umbrellas, and subsequently eligible for Operator Fee funds and Transient Lodging Taxes. Therefore, we recommend allocation of funds to support improved enforcement.

- **Percentage Cap**

Although there is a continuing discussion among STR subcommittee members about what the appropriate and precise percentage cap for STRs in Neskowin should be, we are in agreement in recommending that some level of a percentage cap limit on the number of STR permits issued in Neskowin be implemented. This recommendation is supported by a majority of respondents on the survey, and included a wide variance of percentage levels supported. If a percentage cap is established by the County, there is also strong support in the survey to include residentially zoned condos & townhomes in a cap (no exclusions for such dwellings in NeskR1 & NeskR3 zones). There is also community support to allow dwellings with STR permits in commercially zoned areas to be exempted from inclusion in any potential percentage cap.

- **Update “Sleeping Areas” to “Bedrooms”**

We recommend calculating maximum occupancy based on the number of “bedrooms” instead of “sleeping areas” in an STR at a rate of 2 per bedroom +2 guests overall. The majority of respondents to the survey supported this change. For the purpose of the survey, we defined a “Bedroom” as a room intended for sleeping with a door and operational exterior window egress (window minimum 44” up from the floor and minimum 24’ tall and 20’ wide). However, the Oregon Residential Specialty Code, recently amended, which is administered by the Oregon Buildings Division, and governs the construction and reconstruction of dwellings and the requirements for all habitable spaces including bedrooms, will likely require the county to refine the STR definition of a “bedroom” for purposes of occupancy. We would like to see some allowances be made that factor in some exceptions for existing studios, dwellings which include lofts, and similar dwellings, to the extent that such residences and dwellings may be somehow excluded by this definitional change. We believe this change will have a cumulative impact on at least some of the livability concerns expressed in our community. Ideally, marginally reducing the overall number of guests allowed in STRs will have an impact on lowering the overall number of cars, traffic, trash, etc.

- **Online STR Directory, Complaint Form and Exterior Signage**

We recommend an online STR directory containing the STR address, contact phone number, contact email, and maximum occupancy. To protect privacy we do not recommend an owner's name be required online with this information, but it could be optional. We believe an online directory will facilitate communication between neighbors and help resolve any potential issues more quickly than complaining via a third party. For exterior signage on site, survey results support continuing to require the name and phone number for a contact person, but no additional required information garnered majority support.

- **Parking - Max 6 Vehicles**

The STR survey did not show a majority opinion for any single parking solution. However, based on a majority of respondents desiring some increased parking limitations, and our review of considerable community feedback on this issue, our committee recommends a limit of 6 off-street parking spots per STR, and continuing to require 1 spot per "Bedroom" (not "Sleeping Area") plus 1 extra (up to 6). Requiring more spots can encourage removal of landscaping to make way for parking, and we hope that a reduction on parking spots will have a cumulative impact on lessening the number of cars in our neighborhoods and associated livability concerns.

- **Bear Resistant Trash System & Weekly Trash Pick-Up**

Consistent with the majority of survey respondents, we recommend requiring some type of bear resistant trash bin or enclosure for STRs. The survey supports requiring this for all owners in Neskowin, but we recognize Ordinance #84 is limited to STRs. We do not recommend requiring twice weekly trash pickup for STRs with two or more reservations per week. This is an undue burden and does not factor in the number of occupants or amount of trash produced. Additionally, upon checking with Nestucca Valley Sanitary Service, they indicated that they do not have the manpower nor truck capacity to do a large number of twice weekly pickups in Neskowin.

- **Dark Skies Initiative**

Survey responses supported a requirement for the exterior lights at STRs to be shielded downwards. However, factoring in the strong survey result for these types of rules to apply to all homes in Neskowin, we are instead encouraging the NCAC to consider taking steps and gathering community input for feedback on the feasibility of a Dark Skies Initiative in Neskowin.

- **Community Rules**

There was strong support for various rules for trash, parking and lights to apply equally to all homes in Neskowin, and not just STRs.

- **Increase Amount of Transient Lodging Tax (TLT) Funds Allocated to Neskowin**

There was strong community support that TLT (currently 10% of rental revenue) funds should be reallocated towards enhanced enforcement in Neskowin. Overall, our community would like to see more TLT grants awarded to support public safety and impacts of tourism directly to Neskowin. Ideally, these funds would be commensurate with the high amount of TLT our STRs generate for the community, and would be provided on an annual basis for long-term community enhancement and initiatives.

- **In-Person Response Requirement**

Consistent with the majority of survey respondents, we do not recommend a requirement for in-person response 24/7. This would require owners to either hire local property management, or hire a local person for coverage.

- **Annual Nightly Limit, Max Occupancy Limit, or Proximity/Distance Based Limits**

There are STR subcommittee members and many community members that support some or all of these limits. However, solid majorities of survey respondents did not. Therefore, as a subcommittee we do not recommend any of these types of limits at this time.

The NCAC STR Subcommittee would like to thank our community for working together to find common ground for all community members in Neskowin on what can be a generally divisive topic. We believe these recommendations encompass a fair and balanced approach to STRs in Neskowin. The recommendations recognize the challenges and respect the benefits that go hand in hand with welcoming visitors to the Oregon Coast. Thank you for your consideration.

Respectfully,

NCAC STR Subcommittee

Alex Sifford - Resident

Alexis Tate - Business Representative

Hillary Gibson - STR Owner

Roger Wicklund - STR Owner

Tom Prehoditch - Resident

Page 5: Final STR Survey Summary Slides

Page 6-19: Final STR Survey Data Slide Presentation

The slide presentation may be viewed online with optimal formatting: [STR SURVEY](#)

SUMMARY

- 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

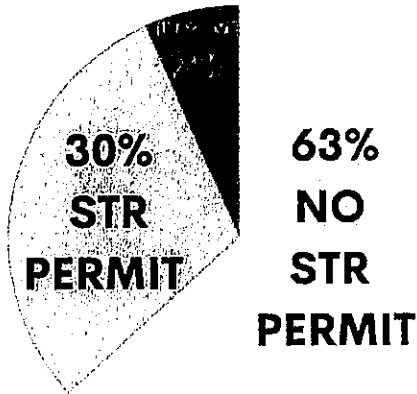
Recommendations to the county & NCAC are advisory only. Any updated rules & regulations will be voted on by Tillamook County Board of County Commissioners. This survey will provide the county with general opinions of the community.

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%

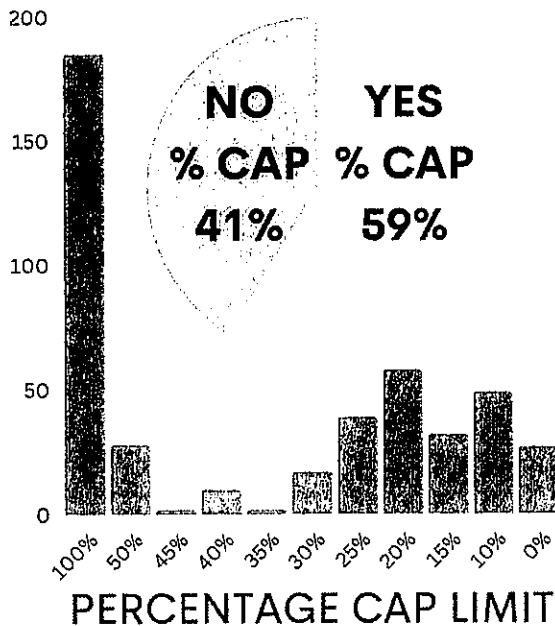
135 YES - STR permit holder actively renting = 30%

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.

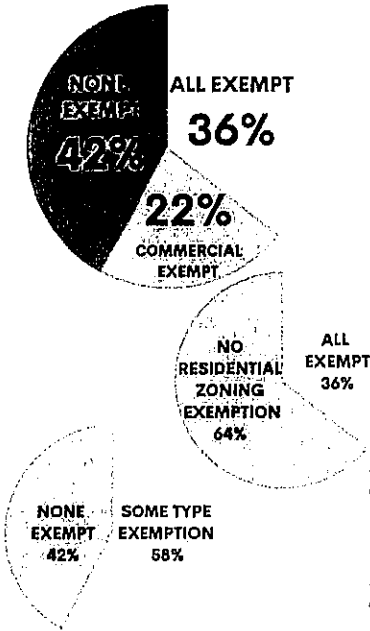
2 DO YOU SUPPORT A LIMIT ON THE TOTAL NUMBER OF ALL STRS IN NESKOWIN VIA A "PERCENTAGE CAP" WHICH WOULD LIMIT STR PERMITS AT A CERTAIN PERCENTAGE OF TOTAL PROPERTIES?



264 respondents (59%) supported some level of percentage cap from 0%-50%

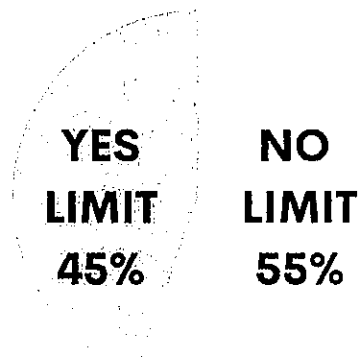
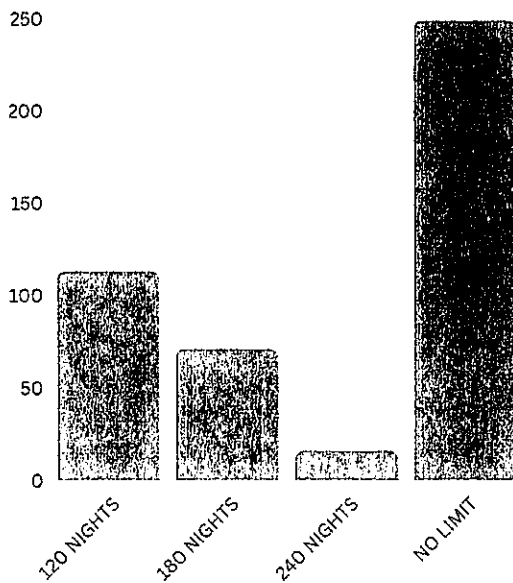
- 185 100% cap limit (no limit) = 41%
- 58 20% cap limit = 13%
- 49 10% cap limit = 11%
- 39 25% cap limit = 9%
- 32 15% cap limit = 7%
- 28 50% cap limit = 6%
- 27 0% cap limit (ban) = 6%
- 17 30% cap limit = 4%
- 10 40% cap limit = 2%
- 2 35% cap limit = .4%
- 2 45% cap limit = .4%

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?



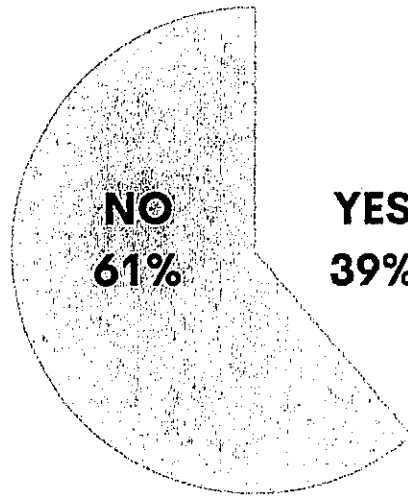
- 249** 365 NIGHTS = 55% NO LIMIT
- 113** 120 NIGHTS = 25%
- 71** 180 NIGHTS = 16%
- 16** 240 NIGHTS = 4%

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.).

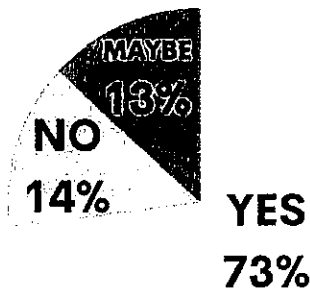


275 NO = 61%

174 YES = 39%

6

SHOULD ANY TYPE OF BEAR RESISTANT TRASH CONTAINER, BARRIER, OR ENCLOSURE BE REQUIRED AT STRS?

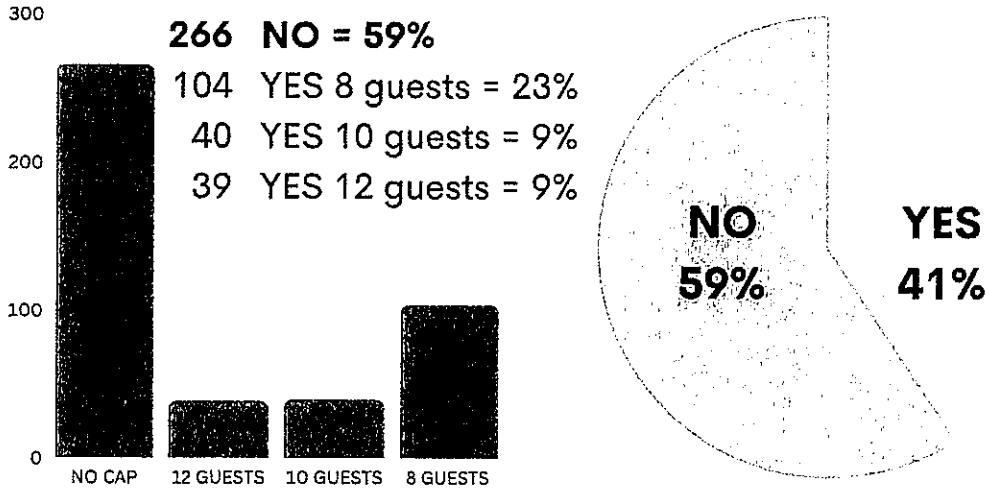


328 YES = 73%

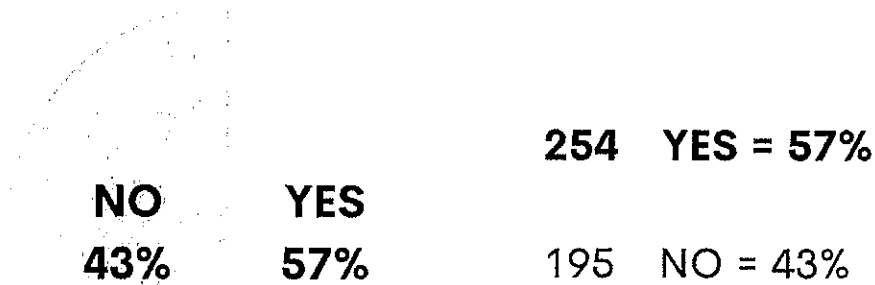
62 NO = 14%

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?

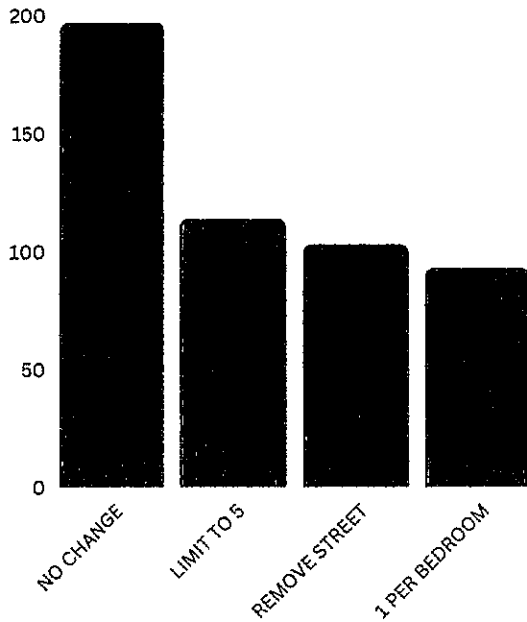


8 SHOULD MAXIMUM OCCUPANCY BE CALCULATED BASED ON "BEDROOMS" INSTEAD OF "SLEEPING AREAS" AT THE RATE OF 2 PER BEDROOM + 2 OVERALL?



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%

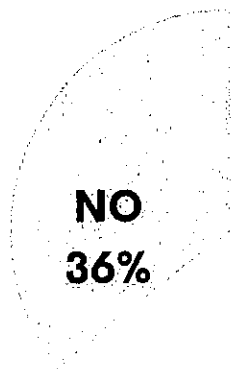
103 YES - Limit parking via removing allowance for 2 on street parking spots from permit total = 23%

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?

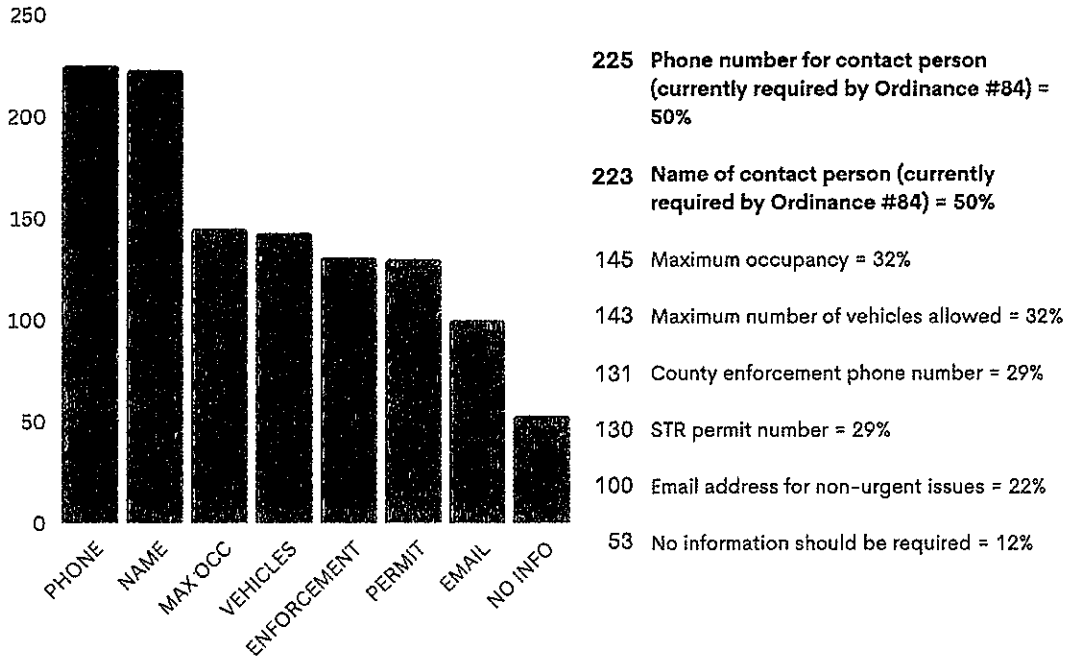


289 YES = 64%

160 NO = 36%

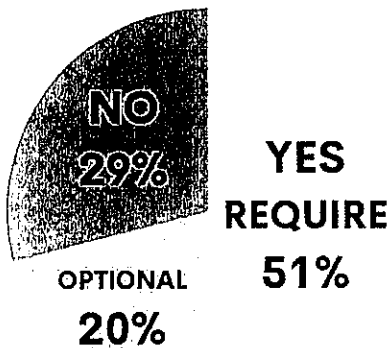
11

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?

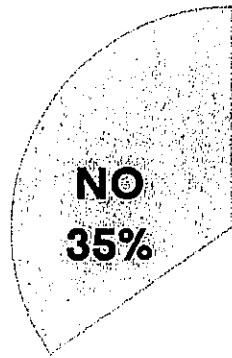


231 YES - require online directory = 51%

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?

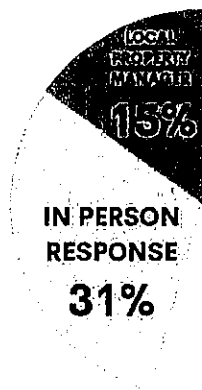


**YES
65%**

293 YES = 65%

156 NO = 35%

14 DO YOU SUPPORT REQUIRING STRS TO HAVE LOCAL REPRESENTATION (LOCAL MEANING CAN RESPOND IN-PERSON IF NEEDED WITHIN 1 HOUR, FOR EXAMPLE)?



**NO
54%**

244 NO - (no change - owners may self-manage and continue to have local contact person without requirement to respond in person) = 54%

137 YES - Require Local Response In Person 24/7 (cost variable) = 31%

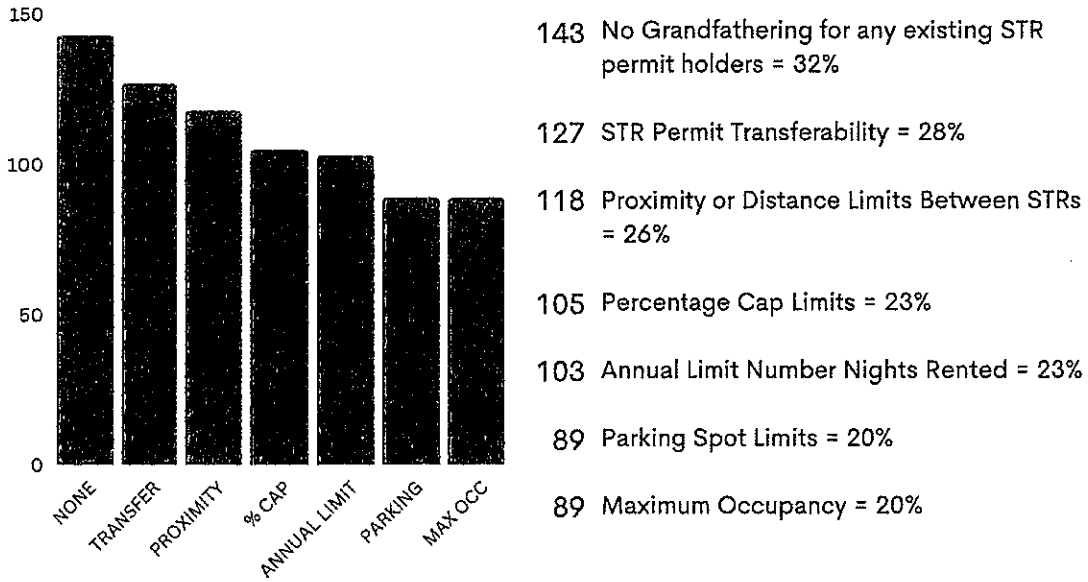
68 YES - Require Local Property Management (approximately 30% commission) = 15%

205 Total respondents (46%) supported some type of local property management requirement

15

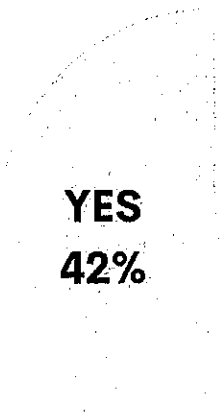
IF CHANGES WERE MADE TO ANY FUTURE ORDINANCE, WHICH CATEGORIES WOULD YOU SUPPORT "GRANDFATHERING" FOR CURRENT STR PERMIT HOLDERS?

RESPONDENTS COULD CHOOSE MULTIPLE OPTIONS



16

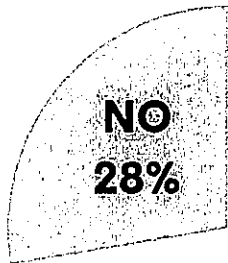
DO YOU SUPPORT A RULE REQUIRING STRS WITH 2 RESERVATIONS WITHIN A 7 DAY PERIOD TO BE REQUIRED TO REMOVE GARBAGE TWICE WEEKLY, REGARDLESS OF OCCUPANCY LIMITS?



259 NO = 58%

190 YES = 42%

17 SHOULD VARIOUS RULES FOR TRASH, PARKING, LIGHTS ETC., APPLY EQUALLY TO ALL HOMES IN NESKOWIN, OR JUST STRS?

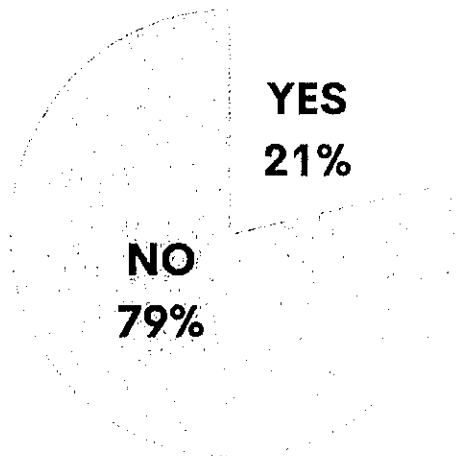


**YES
72%**

325 YES ALL HOMES = 72%

124 NO JUST STRS = 28%

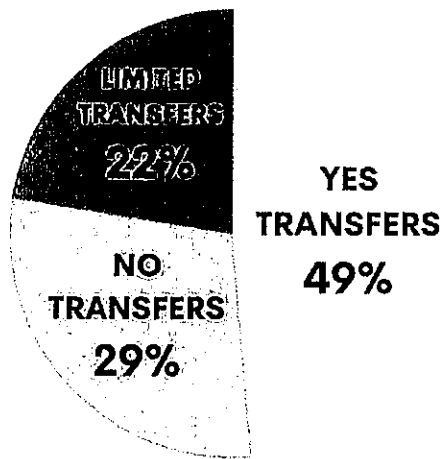
18 DO YOU BELIEVE PROPERTY RIGHTS SHOULD DIFFER BASED ON THE AMOUNT OF TIME AN OWNER PERSONALLY SPENDS IN THEIR HOME?



353 NO = 79%

96 YES = 21%

19 SHOULD STR PERMITS BE TRANSFERABLE?

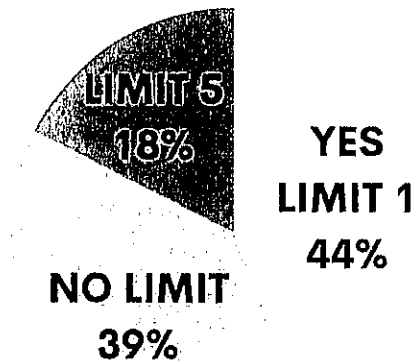


218 YES in all cases, including upon sale (no change) = 49%

130 NO in all cases, NOT transferable upon sale = 29%

101 PARTIALLY in some cases (such as family members or any "arm-in-arm" transaction where the two parties have a pre-existing personal or professional relationship) = 22%

20 GOING FORWARD, SHOULD NEW STR PERMITS BE LIMITED PER PERSON?

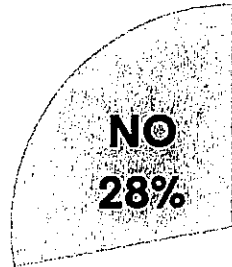


197 YES - one STR permit per person = 44%

173 NO (no change) = 39%

79 YES - no more than 5 STR permits per person = 18%

21 DO YOU SUPPORT REALLOCATION OF
ADDITIONAL TRANSIENT LODGING TAX (TLT)
FUNDS FOR ENHANCED ENFORCEMENT OF
ORDINANCE #84?



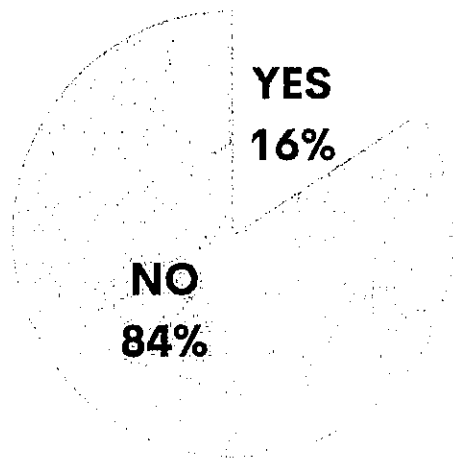
**YES
72%**

324 YES = 72%

125 NO = 28%

22

DO YOU SUPPORT BANNING STRS IN NESKOWIN?



378 NO = 84%

71 YES = 16%

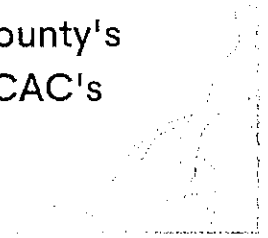


THANK YOU

Thank you everyone in the community for participating throughout this year long process. A substantial amount of valuable feedback and information has been shared and received between neighbors and the NCAC.

Our committee is thankful that our community is working together to find common ground for all home and property owners in Neskowin.

Survey results will be shared with Tillamook County's Short-Term Rental Advisory Committee & NCAC's Community Plan volunteers.



**Neskowin Community Advisory Committee
December 2022 STR Survey Results**

Non-STR Permit Holder Survey Responses

(Authored by the NCAC Officers*)

Respondents Answering "Yes":			Question
% of Non-Permit Holders (284)	% of Permit Holders (165)	% of Combined Responses (449)	
93%	80%	88%	Some form of Exterior signage
85%	51%	73%	Require some type of bear resistant trash system
82%	52%	71%	Online directory of STR permit contact info
80%	58%	72%	Reallocate TLT funds for enhanced enforcement
80%	36%	64%	Require exterior lighting to be shielded downward
79%	42%	65%	Online complaint form
74%	40%	61%	STR permit limits per person
74%	32%	59%	Percentage cap on number of STR permits
70%	38%	56%	Some type of additional parking limit
66%	39%	57%	Calculate max occupancy by "bedroom" instead of "sleeping area"
65%	10%	45%	Limit on number of nights per year annually able to rent
62%	89%	72%	Various rules should equally apply to all Neskowin homes
61%	21%	46%	Require local management
59%	5%	39%	Proximity or distance based limits
58%	15%	42%	Require some STRs to remove garbage twice weekly
57%	95%	71%	Some form of transferability
54%	18%	41%	Cap on total maximum occupancy
53%	93%	68%	Grandfathering by category
29%	8%	21%	Different property rights based on owner's time at home
27%	52%	36%	Exempt condos & townhomes in residential zones from potential percentage cap
27%	14%	22%	Exempt commercial zones from potential percentage cap
24%	2%	16%	Ban STRs in Neskowin

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

**Neskowin Community Advisory Committee
December 2022 STR Survey Results**

STR Permit Holder Survey Responses

(Authored by the NCAC Officers*)

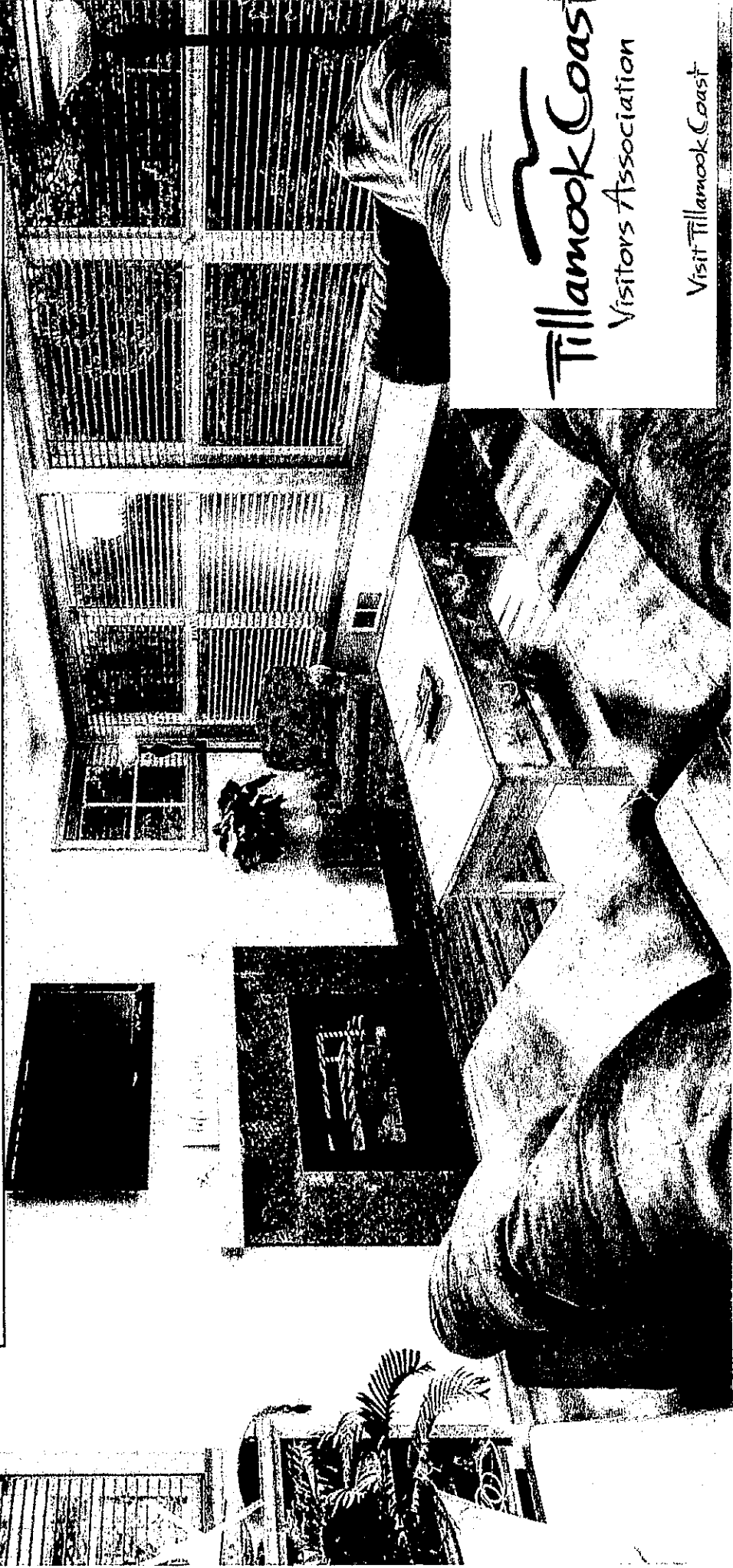
<u>Respondents Answering "Yes":</u>			
<u>% of</u>	<u>% of</u>	<u>% of</u>	
<u>Non-Permit</u>	<u>Permit</u>	<u>Combined</u>	
<u> Holders</u>	<u> Holders</u>	<u> Responses</u>	
<u>(284)</u>	<u>(165)</u>	<u>(449)</u>	<u>Question</u>
57%	95%	71%	Some form of transferability
53%	93%	68%	Grandfathering by category
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*Ran Koch-Chair, Tracey Hauth-Vice Chair, Chris Silkowski-Treasurer, Dave Benenth-Secretary

EXHIBIT

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



Tillamook Coast

Visitors Association

Visit Tillamook Coast

TLT TOTALS: 2019 to Q2, 2022

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

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

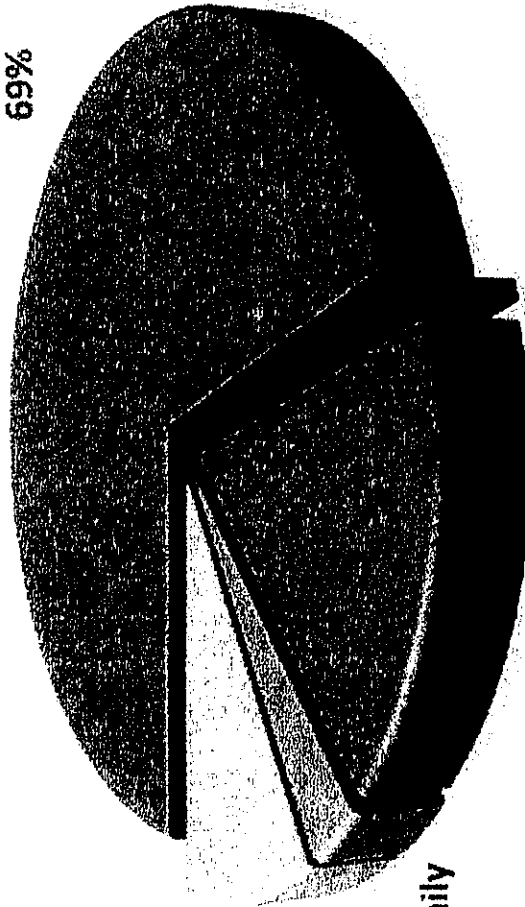
GROSS LODGING REVENUE TOTALS: 2019 to Q2, 2022

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

Lodging inventory

LODGING TYPE

SingleFamily
69%



MultiFamily
3%

Hotel
17%

B&B
1%

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 2 nd homes in county)	782	35	1,232 tent sites 1,221 RV sites

*Portland State University study, 2019

**Tillamook County Community Development

STR INCOME 2019-2021

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

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



COUNTY COLLECTIONS BY LOCATION

By Location 2021

(Rounded to nearest dollar)

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

COUNTY COLLECTIONS BY LODGING TYPE

By Lodging Type 2021

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

TLT HISTORY AND USE: ORS 320.300

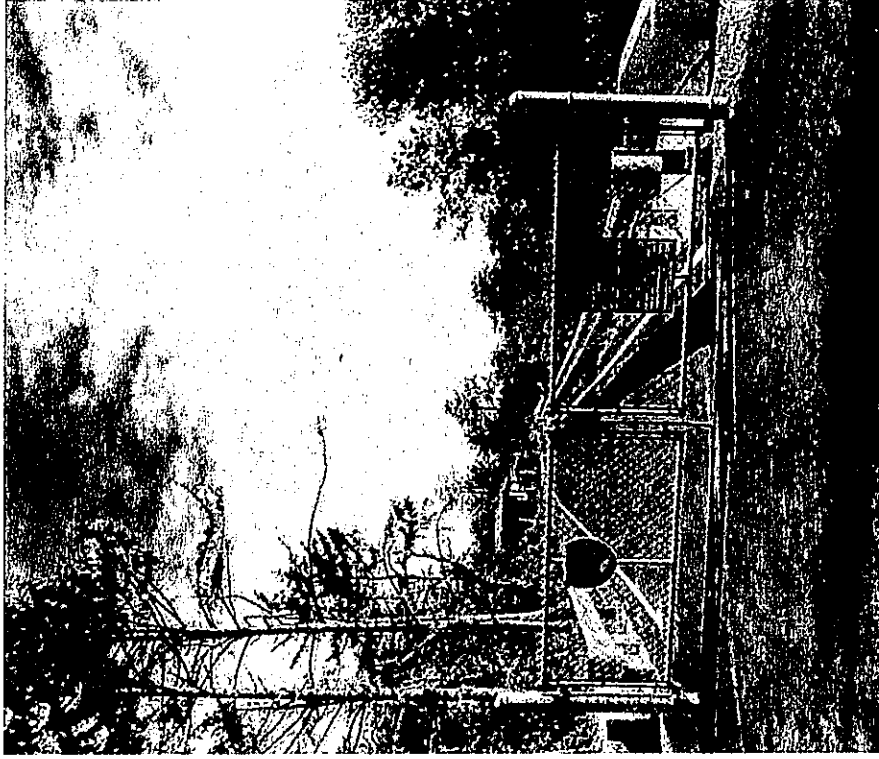
Prior to 2003	After 2003	January 1, 2014
<p>Room tax goes to general budget</p> <p>4% original lodging tax* All lodging tax goes to a city's general fund – most cities in Tillamook County had a room tax in place by the 1990s</p>	<p>Any rise in room tax subject to state law of 70/30 split</p> <p>4% original 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>County implements 10% transient lodging tax; cities raise their tax to 9%</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

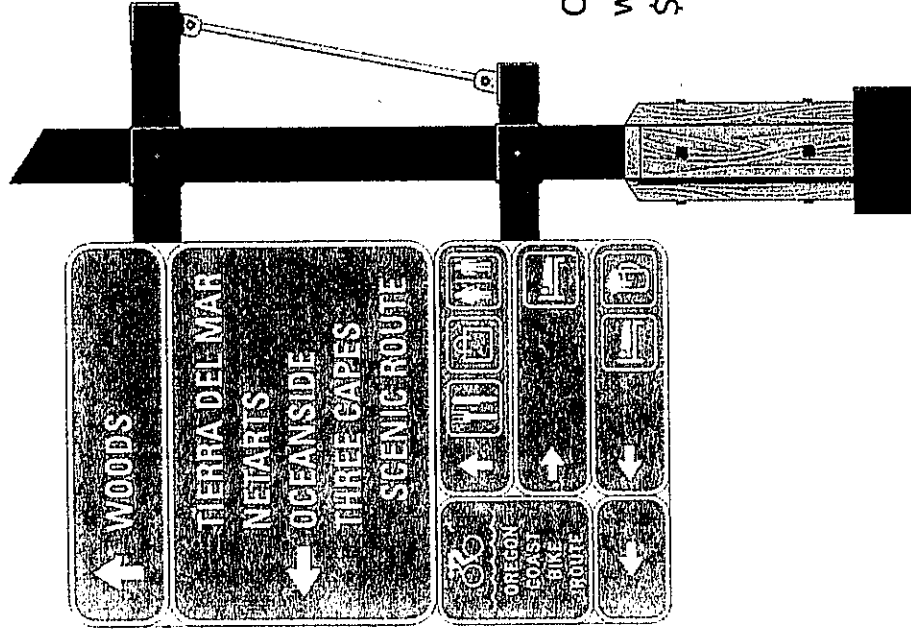
Grants	Investments	Sponsorships (TCVA)
<p>Facilities and marketing grants</p> <p>\$5.5 million in tourism facilities grants to agencies and nonprofits</p> <p>\$950,000 in marketing grants to nonprofits and tourism businesses</p>	<p>Capacity Building (examples)</p> <p>\$5+ million</p> <ul style="list-style-type: 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>Community events and programs (examples)</p> <p>\$100,000</p> <ul style="list-style-type: none"> • Chamber events • Off-season community events • Scholarships for industry training • Auction items for fundraisers

HOW TLT IS USED



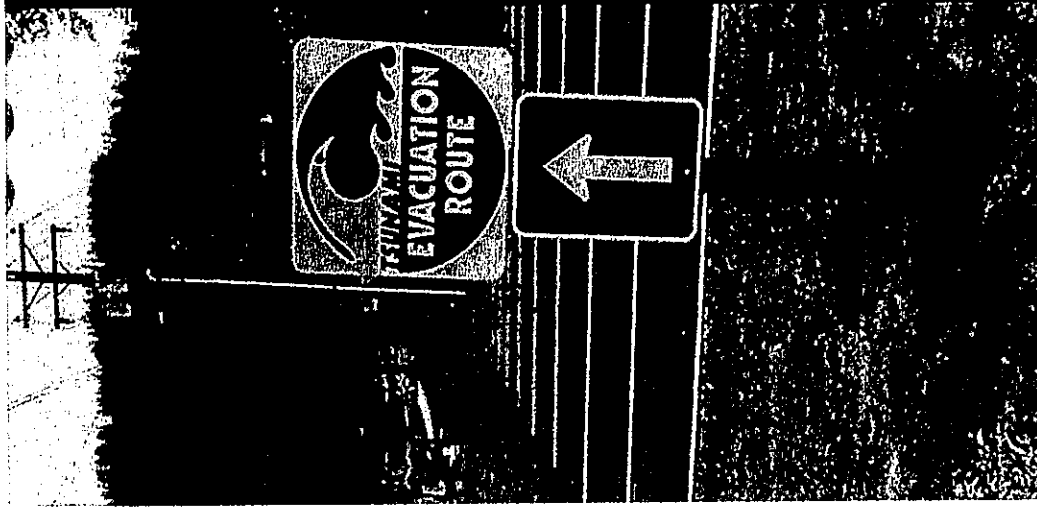
NEKOWIN EMERGENCY EGRESSES FUNDING SOURCES	
	Amount
Wahon Family Land Donation for Right of Way	\$120,000.00
Community of Neskowin	\$100,000.00
North Coast Regional Solutions Team	\$150,000.00
Tillamook County Public Works	\$550,000.00
Nesucca, Neskowin & Sandlake Watersheds Council	\$77,000.00
ODPW Screening and Passage Program	\$102,200.00
USFS Salmon Superhighway Fish Passage Partnership Grant	\$38,400.00
USFS Fish and Wildlife Service (USFWS)	\$5,000.00
USFWS National Fish Passage Program (NFPF)	\$40,000.00
USFWS Pacific Marine and Estuarine Fish Partnerships (PALEP)	\$50,000.00
2019 House Bill 5050 Section 61	\$11,000,000.00
Tillamook County (Trabslent Logging) Inc.	\$2,500,000.00
Clatsop Business Development District and Oregon State University (OSU)	\$7,500.00
Public Works	\$27,500.00

HOW TLT IS USED



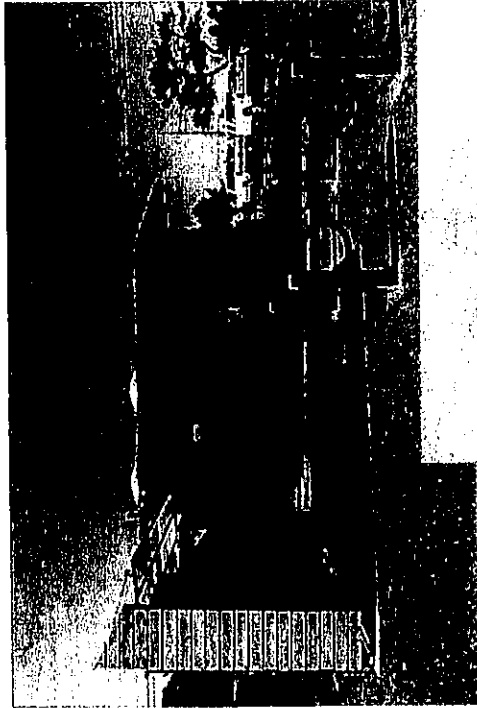
County-wide wayfinding \$700,000 (so far)

Tsunami Signage \$40,000 (so far)

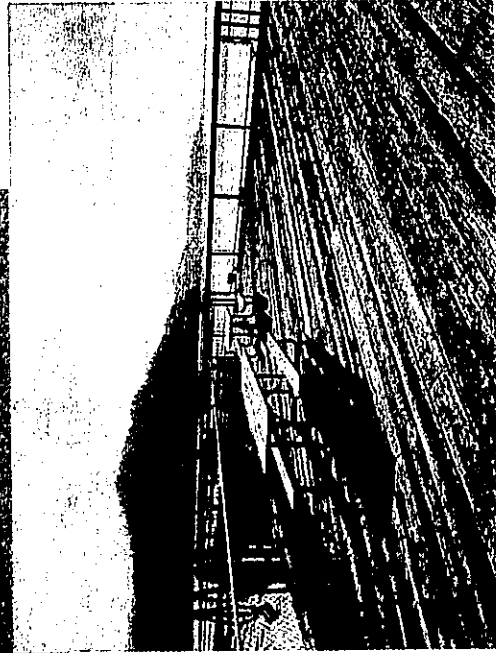


HOW TLT IS USED

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

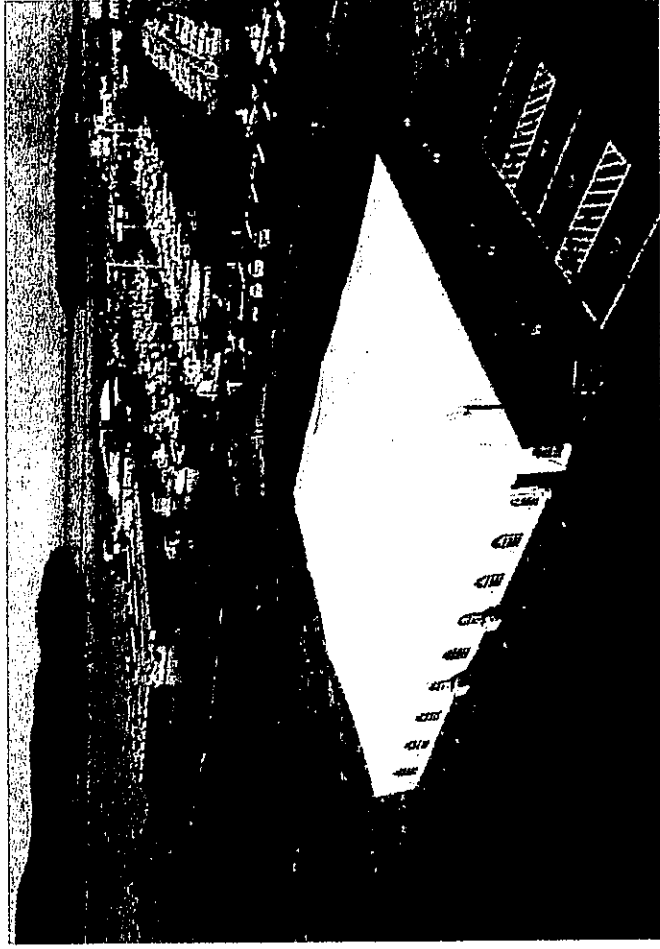


Restrooms
and kiosk



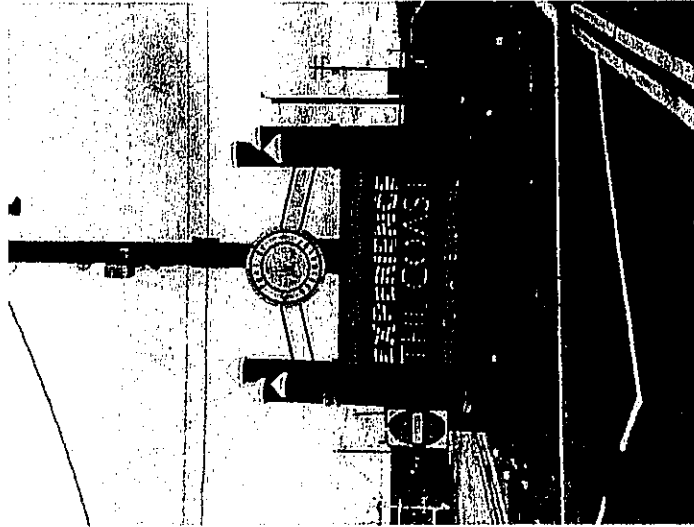
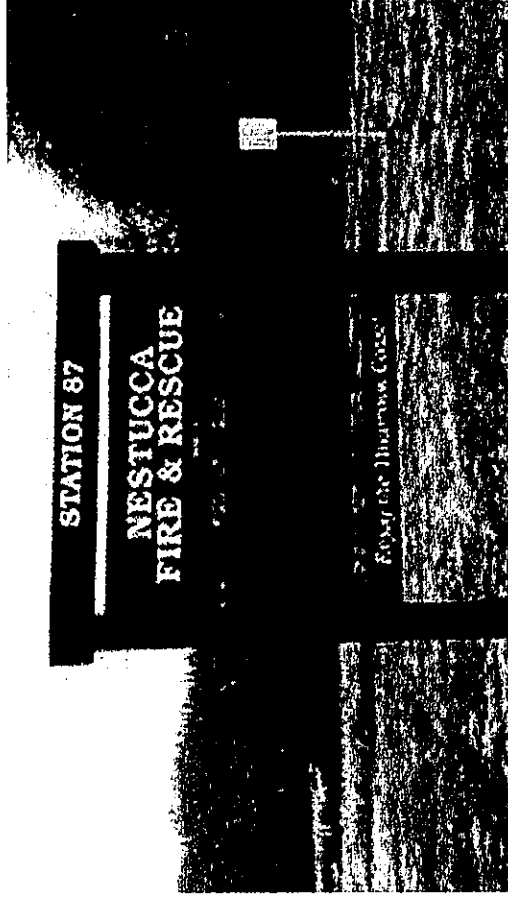
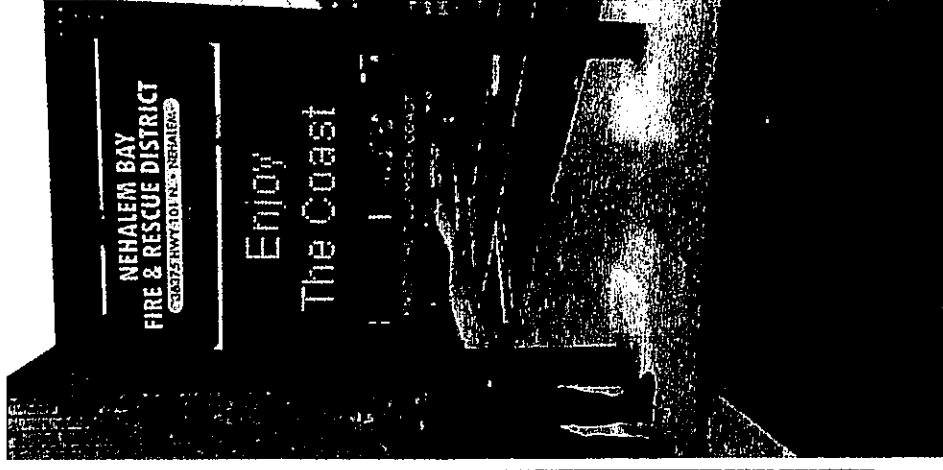
Dock

Event tent

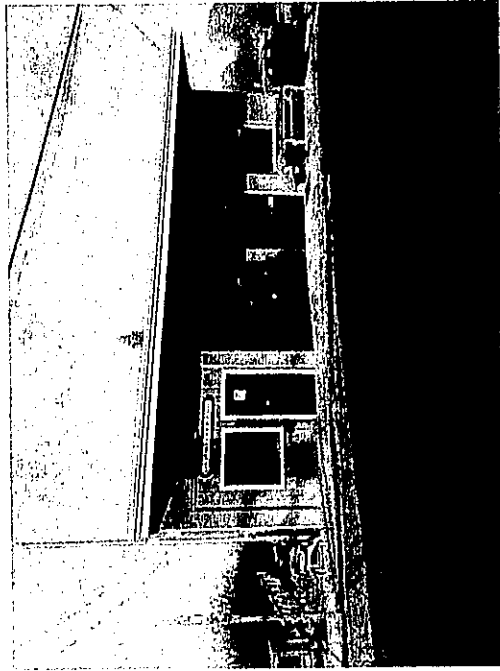


HOW TLT IS USED

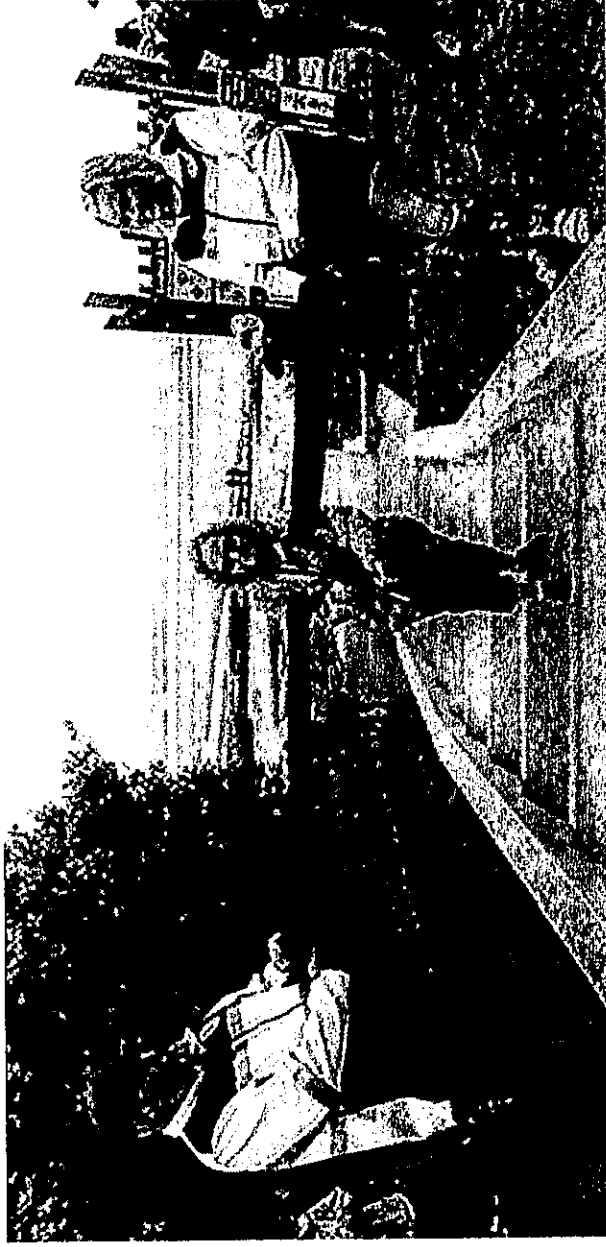
\$138,000 on digital message signs at fire districts and ports



HOW TLT IS USED

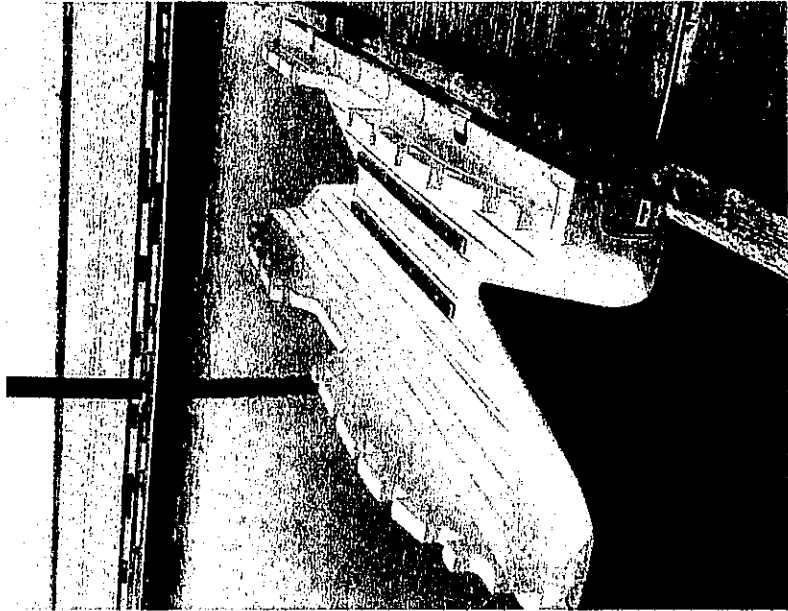


Oceanside Community
Club roof repair
\$55,000



Oceanside Beach Access
\$75,000

HOW TILT IS USED



Kayak launchers (2): \$14,000



Beach wheelchairs (9): \$49,000

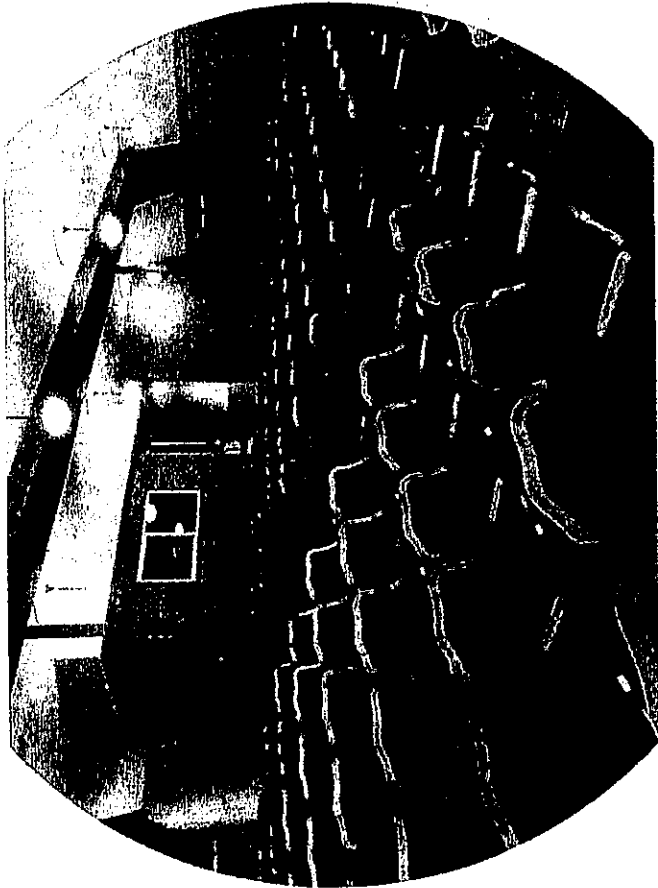
HOW TLT IS USED



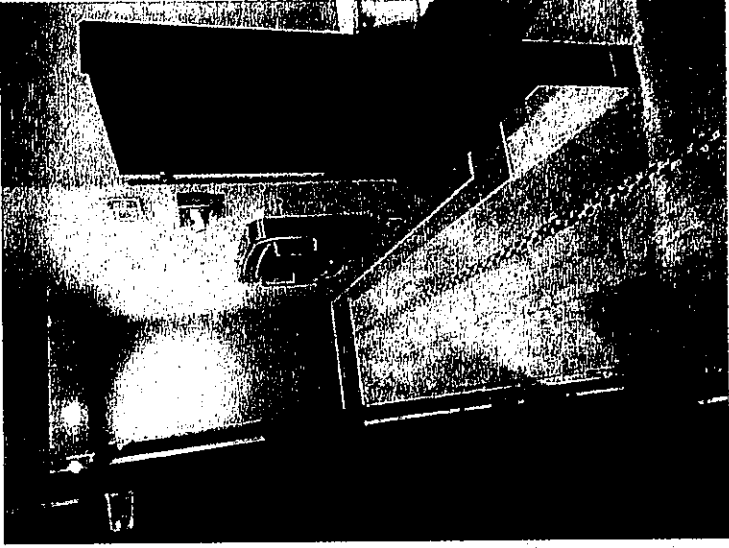
Kiawanda Community
Center addition
\$339,000

HOW TLT IS USED

\$153,000



Renovation and new seating in NCRD performing arts center



ADA bathroom and lobby remodel at NCRD

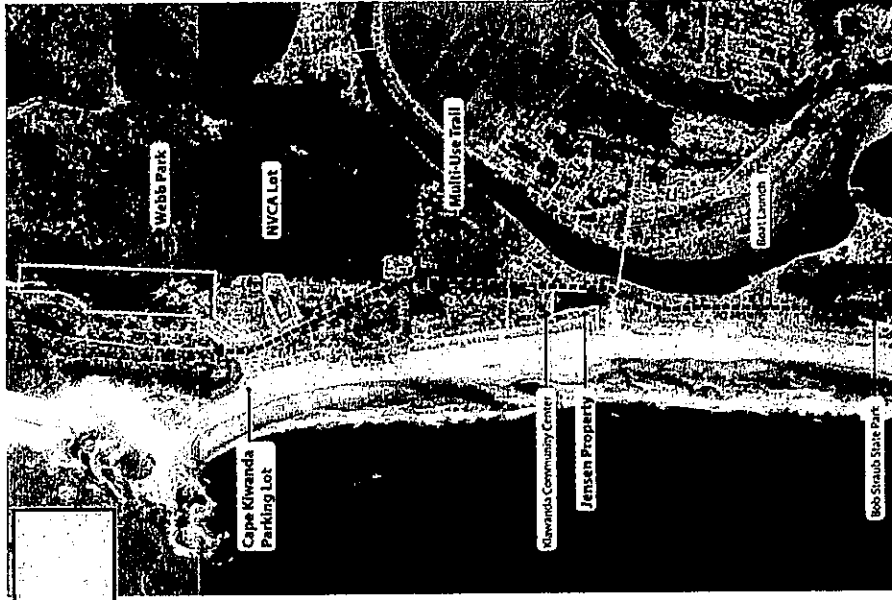


HOW TLT IS USED



Cape Kiwanda
beach access
\$132,659

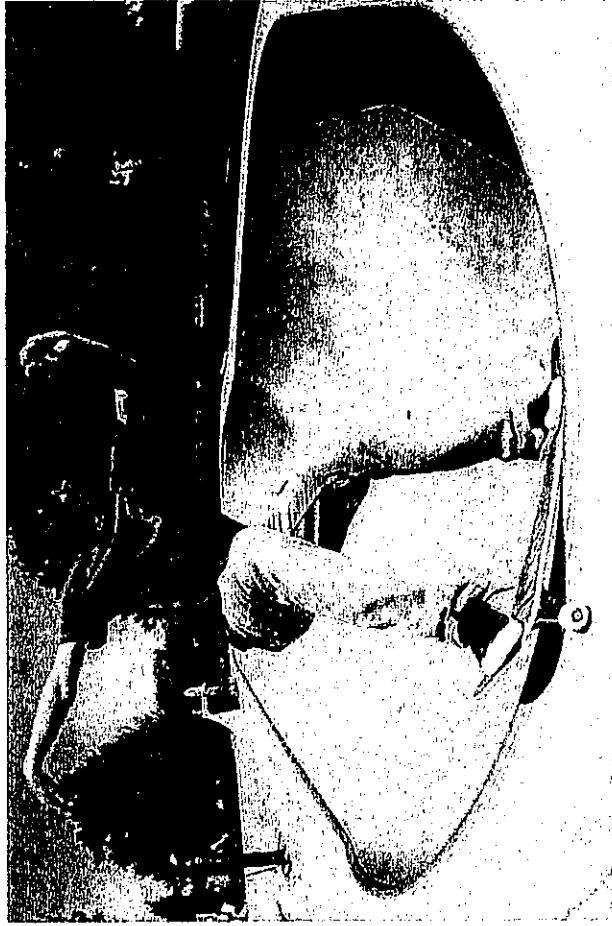
Kiwanda
Corridor
Project
\$3,600,000 –
purchase of
Jensen
property and
planning



HOW TLT IS USED



**Nestucca Valley Skate Park
\$225,000**



**Tillamook Skate Park
\$31,450**

Benefits of local STR agencies

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

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

Local agencies are **part of the community**

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

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

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

Future of STRs?

If STRs were to be shut down:

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

Management of STRs is ideal:

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

EXHIBIT

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SUMMARY OF ORDINANCE 84 REVISIONS SECTION BY SECTION

SECTION	EXISTING	PROPOSED	BACKGROUND/PURPOSE	MEETS INTENT?
Section 1.	<p>Title. "Tillamook County Short-Term Rental Ordinance"</p>	<p>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.</p>	<p>Standard language. Section language is under review by legal counsel and County staff.</p>	
Section 2.	<p>Authority. Pursuant to ORS 203.035</p>	<p>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>	<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.	<p>Purpose. Purpose statement is to regulate short-term rentals in order to enhance public safety and livability within Tillamook County</p>	<p>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.</p>	<p>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,</p>	

SUMMARY OF ORDINANCE 84 REVISIONS SECTION BY SECTION

SECTION	EXISTING	PROPOSED	BACKGROUND/PURPOSE	MEETS INTENT?
Section 4.	<p>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.</p>	<p>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).</p>	<p>parking, garbage and pet waste. Definitions for fire/life/safety are under review by County staff and legal counsel.</p> <p>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.</p>	
Section 5.	<p>Definitions. Includes definitions that are applicable to Ordinance 84, Amendment #1</p>	<p>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.</p>	<p>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.</p> <p>Proof of Access. Confirms property has legal access, identifies vehicle access point onto a property. Alterations of access point may be</p>	

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.	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.	<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.	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	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>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>	
Section 8.	<p>Fees Established. Establishes fees for application and renewal of a short-term rental permit. Includes language for increase of fees.</p>	<p>Operational Requirements and Standards for Short-Term Rentals. Establishes operation requirements and standards for qualification to obtain or retain short-term rental registration certificate. Requirements include maximum occupancy provisions, occupancy maximums during daytime hours, requirement for off-street parking, establishes</p>	<p>Sections A-Q: Language addresses livability issues generated by nuisance impacts of STRs in residential neighborhoods. 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?
Section 10.	<p>insurance, proof of garbage service and completed Transient Lodging Tax Registration Form.</p> <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? 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?
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>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> <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?
Section 12	<p>citation, revocation of permit or denial of request for renewal of permit.</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>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>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 substantiative 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?
Section 14.	<p>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.</p> <p>Severability.</p>	<p>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.</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>Under review by legal counsel and County staff.</p>	
Section 15.	<p>Repeal of Existing Ordinances.</p>	<p>Severability.</p>	<p>Standard Language- Under review by legal counsel and County staff.</p>	
Section 16.	<p>Effective Date.</p>		<p>Date to be inserted upon BOCC adoption of any Ordinance revisions.</p>	

SUMMARY OF ORDINANCE 84 REVISIONS SECTION BY SECTION

SECTION	EXISTING	PROPOSED	BACKGROUND/PURPOSE	MEETS INTENT?
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EXHIBIT

I

EXCEL TABLE OF OWNERSHIP TRANSFERS

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
JANUARY	0	0	0	1	2	5	1	2	4	2	10
FEBRUARY	1	0	0	2	3	1	2	1	3	2	5
MARCH	0	0	1	1	2	2	0	0	2	2	7
APRIL	0	0	0	1	3	3	4	2	3	4	0
MAY	0	0	0	2	2	2	2	1	2	1	
JUNE	0	0	0	5	1	2	0	4	6	0	
JULY	0	0	2	2	3	3	3	0	3	1	
AUGUST	1	0	1	1	0	1	0	3	2	2	
SEPTEMBER	0	0	0	2	0	1	0	4	2	6	
OCTOBER	0	0	1	2	0	0	1	1	0	4	
NOVEMBER	0	0	1	2	1	5	2	0	0	1	
DECEMBER	0	0	0	1	0	0	0	4	0	2	
Total	2	0	6	22	17	25	15	22	27	27	22

EXHIBIT

J

Maximum Occupancy Summary
as of 3/1/2023

<u>Maximum Occupancy</u>	<u>Number of STRs</u>
Up to 5	249
6 - 10	796
11 - 15	151
16 - 20	25
More than 20	<u>4</u>
Total	1,225

EXHIBIT

K

Estimated # STRs by # Nights Rented - CY 2022

# STRs in:	# Nights Rented					<u>Total</u>
	<u>0</u>	<u>1-29</u>	<u>30-100</u>	<u>101-200</u>	<u>201-365</u>	
Neahkahnie	11	12	12	27	22	84
Neskowin	40	21	28	50	45	184
Netarts	15	13	18	26	31	103
Oceanside	16	12	18	47	39	132
Pacific City	58	33	100	94	43	328
Tierra Del Mar	<u>11</u>	<u>5</u>	<u>13</u>	<u>12</u>	<u>9</u>	<u>50</u>
Total	151	96	189	256	189	881

EXHIBIT

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1977

STOCKWELL

NESTORIAN

NEAHKAHNIE

18%

RESIDENTIAL
IMPROVEMENTS AT
VALUE > \$50K

385

SHORT-TERM RENTALS

69



NEAHKAHNIE

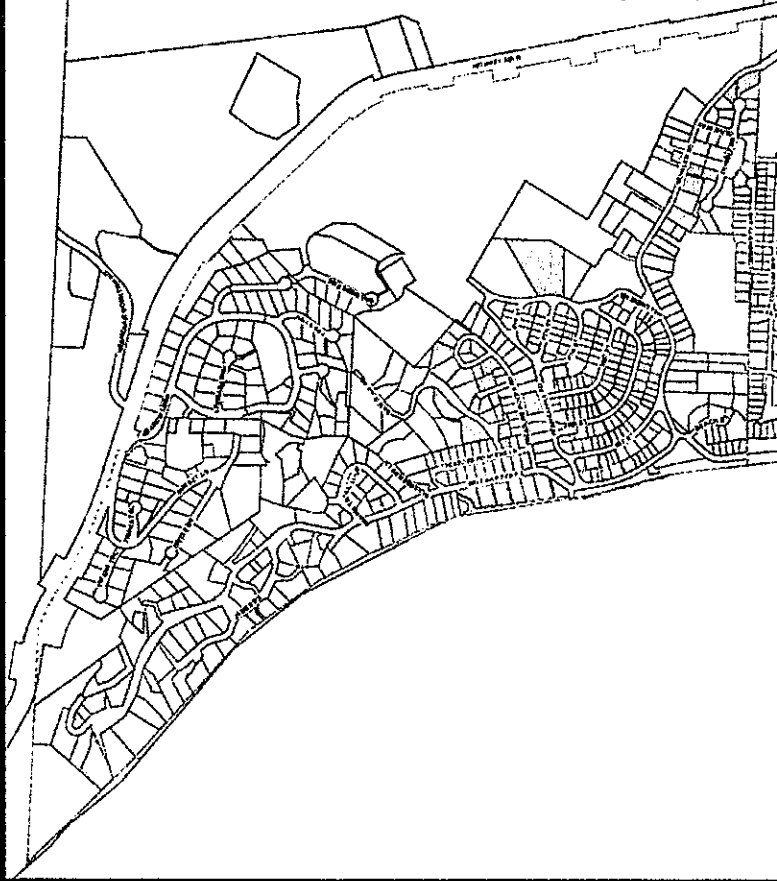
22%

DWELLINGS

409

SHORT-TERM RENTALS

84



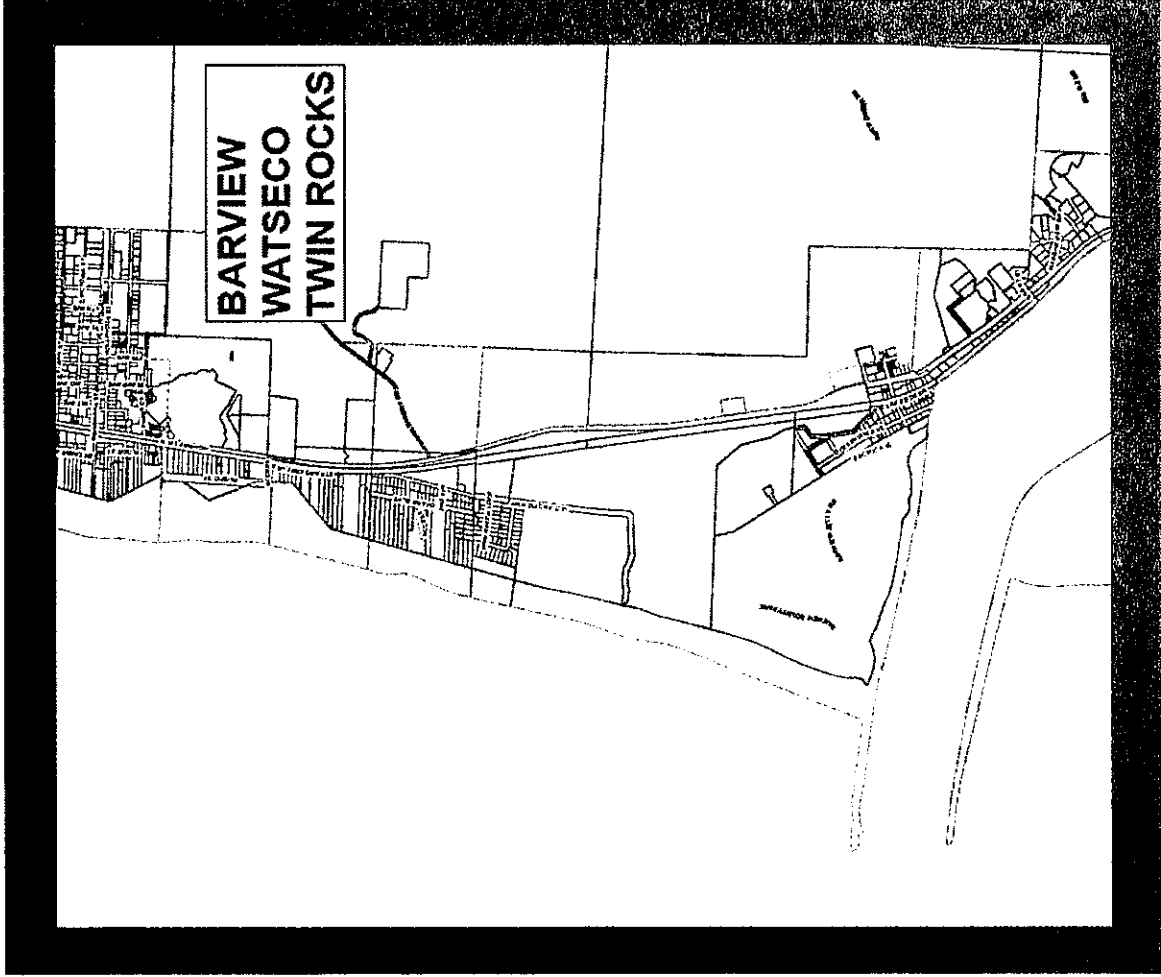
**BARVIEW
TWIN ROCKS
WATSECO
16%**

RESIDENTIAL IMPROVEMENTS AT
VALUE > \$50K

234

SHORT-TERM RENTALS

37



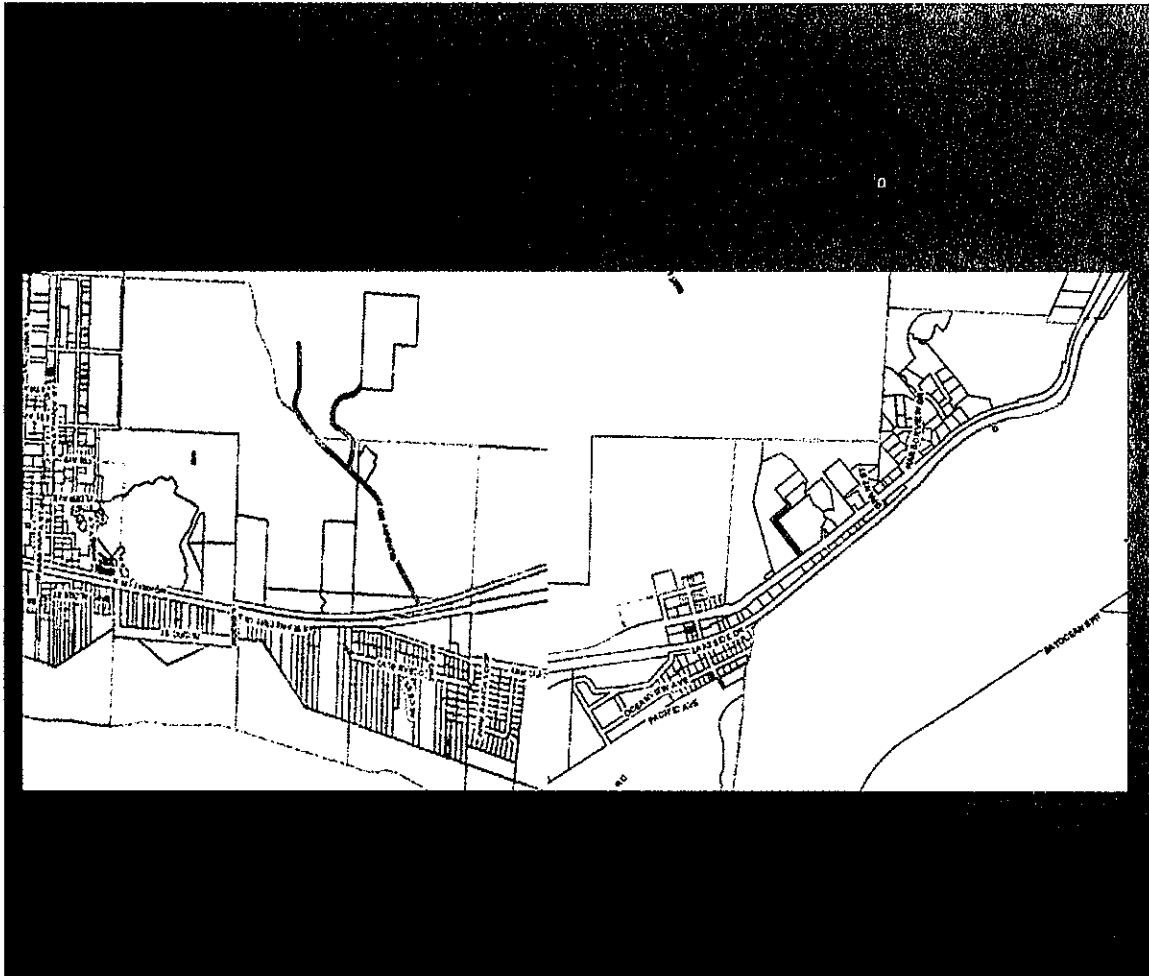
BARVIEW
TWIN ROCKS
WATSECO
15%

DWELLINGS

254

SHORT-TERM RENTALS

39



OCEANSIDE

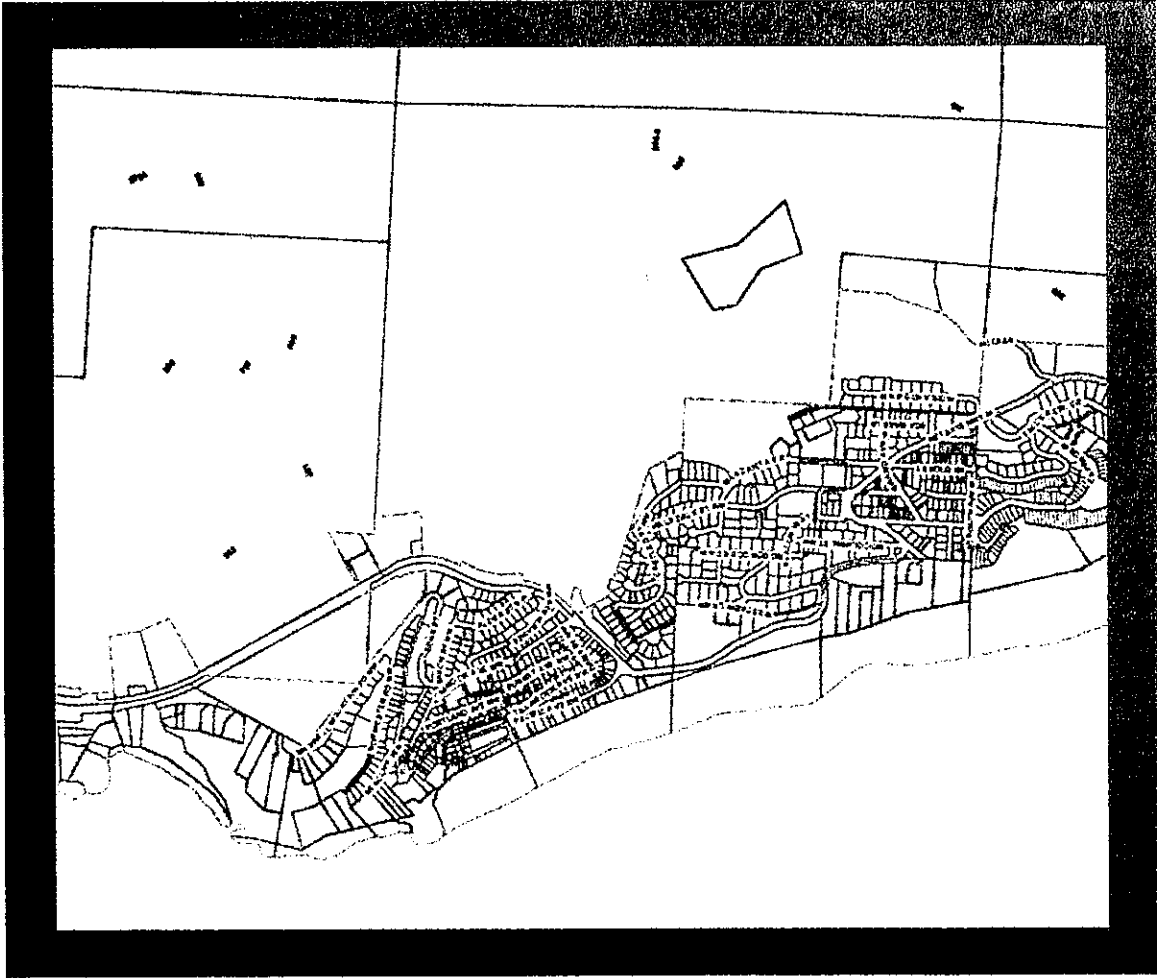
16%

RESIDENTIAL IMPROVEMENTS AT
VALUE > \$50K

672

SHORT-TERM RENTALS

109



OCEANSIDE

19%

DWELLINGS

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SHORT-TERM RENTALS

132



NETARTS

12%

RESIDENTIAL IMPROVEMENTS AT
VALUE > \$50K

609

SHORT-TERM RENTALS

75



NETARTS

14%

DWELLINGS

757

SHORT-TERM RENTALS

103



CAPE MEARES

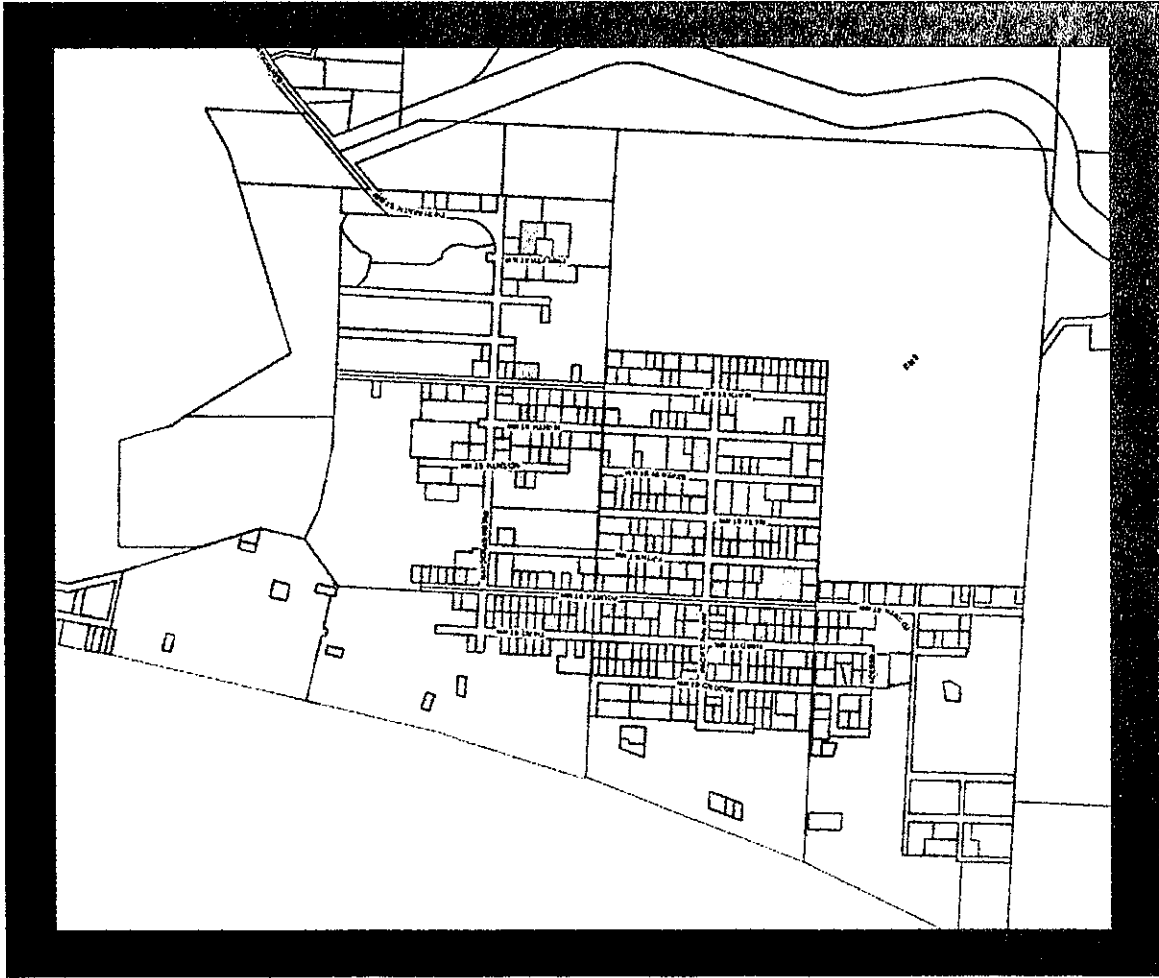
13%

RESIDENTIAL IMPROVEMENTS AT
VALUE > \$50K

205

SHORT-TERM RENTALS

27



CAPE MEARES

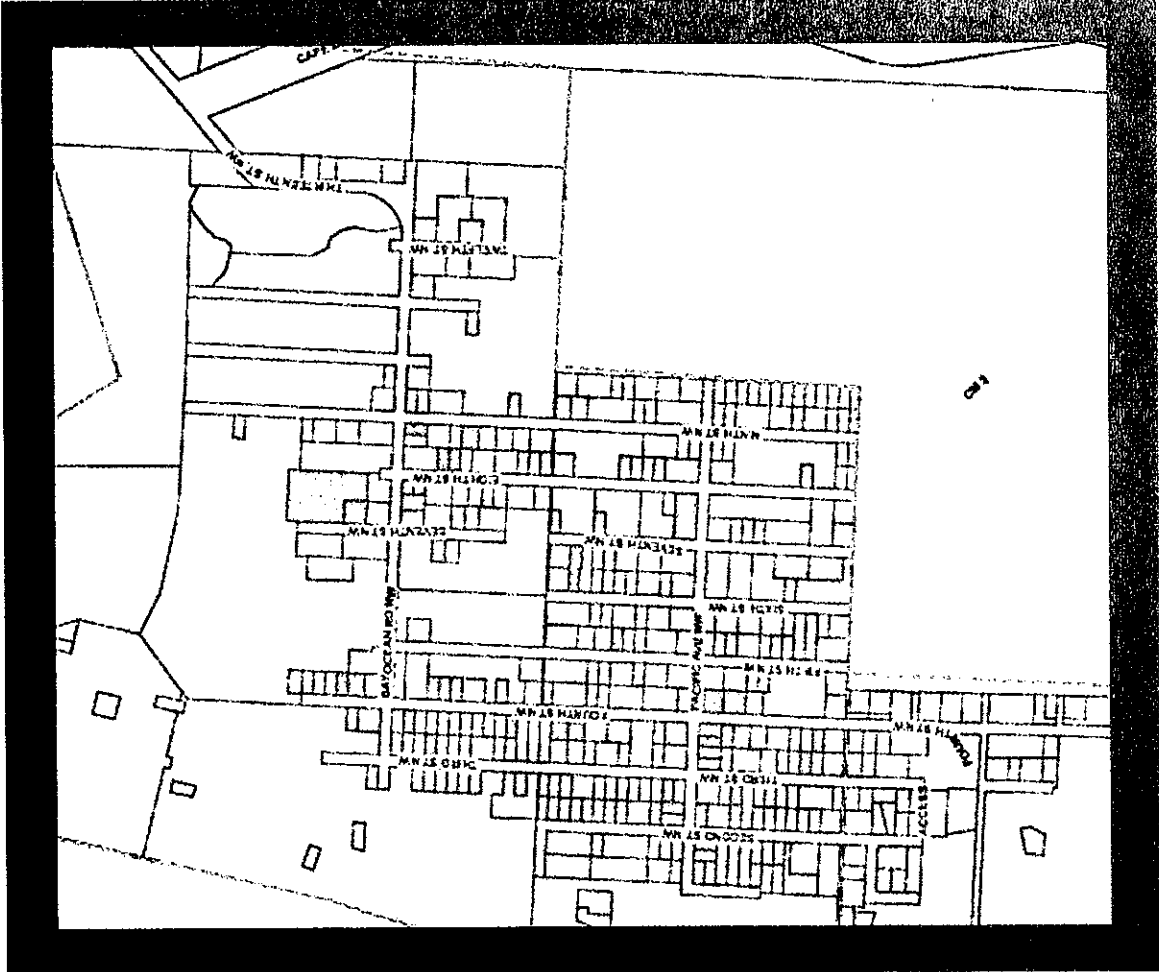
15%

DWELLINGS

234

SHORT-TERM RENTALS

34



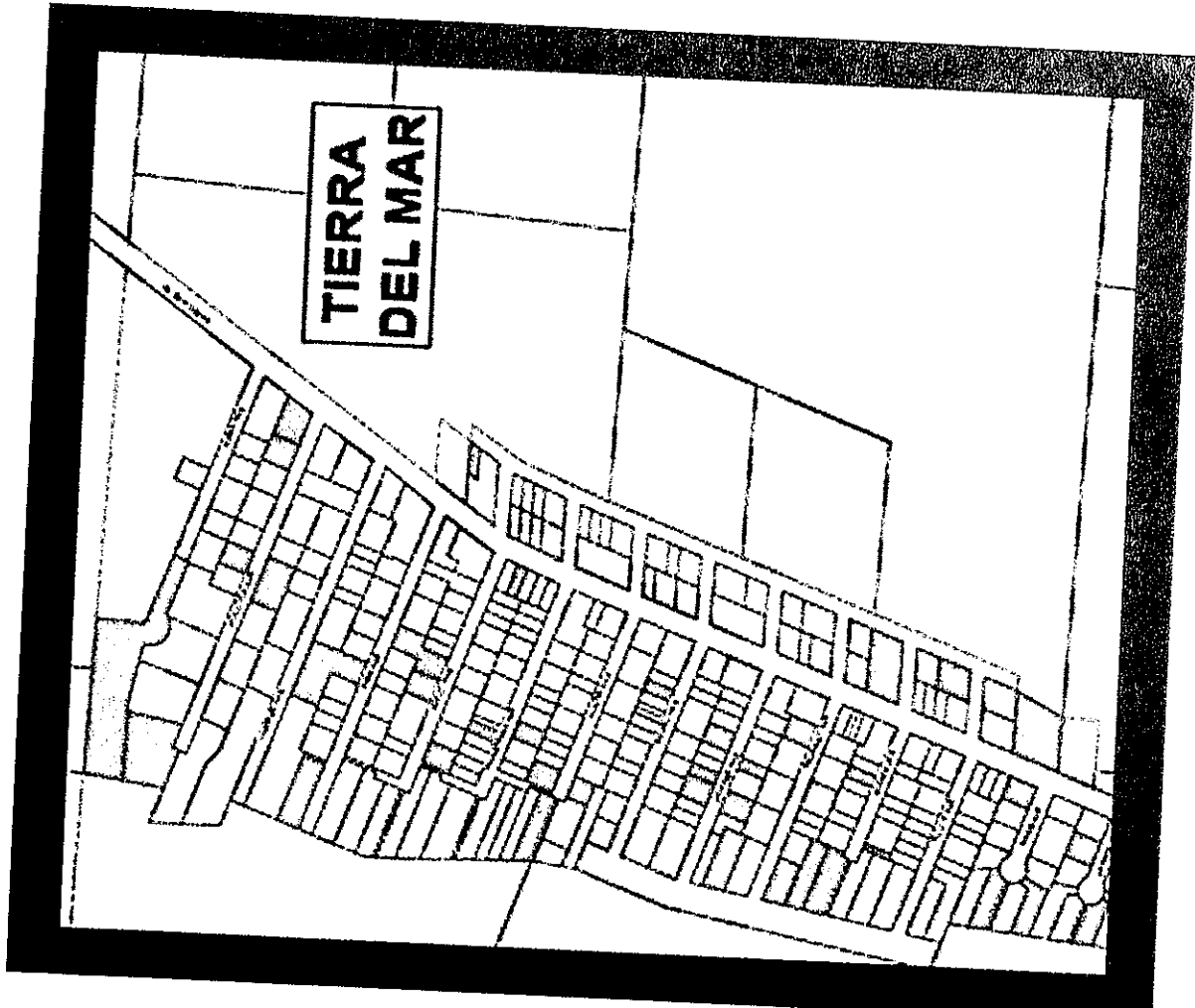
TIERRA DEL MAR 23%

DWELLINGS

235

SHORT-TERM RENTALS

53



PACIFIC CITY/WOODS

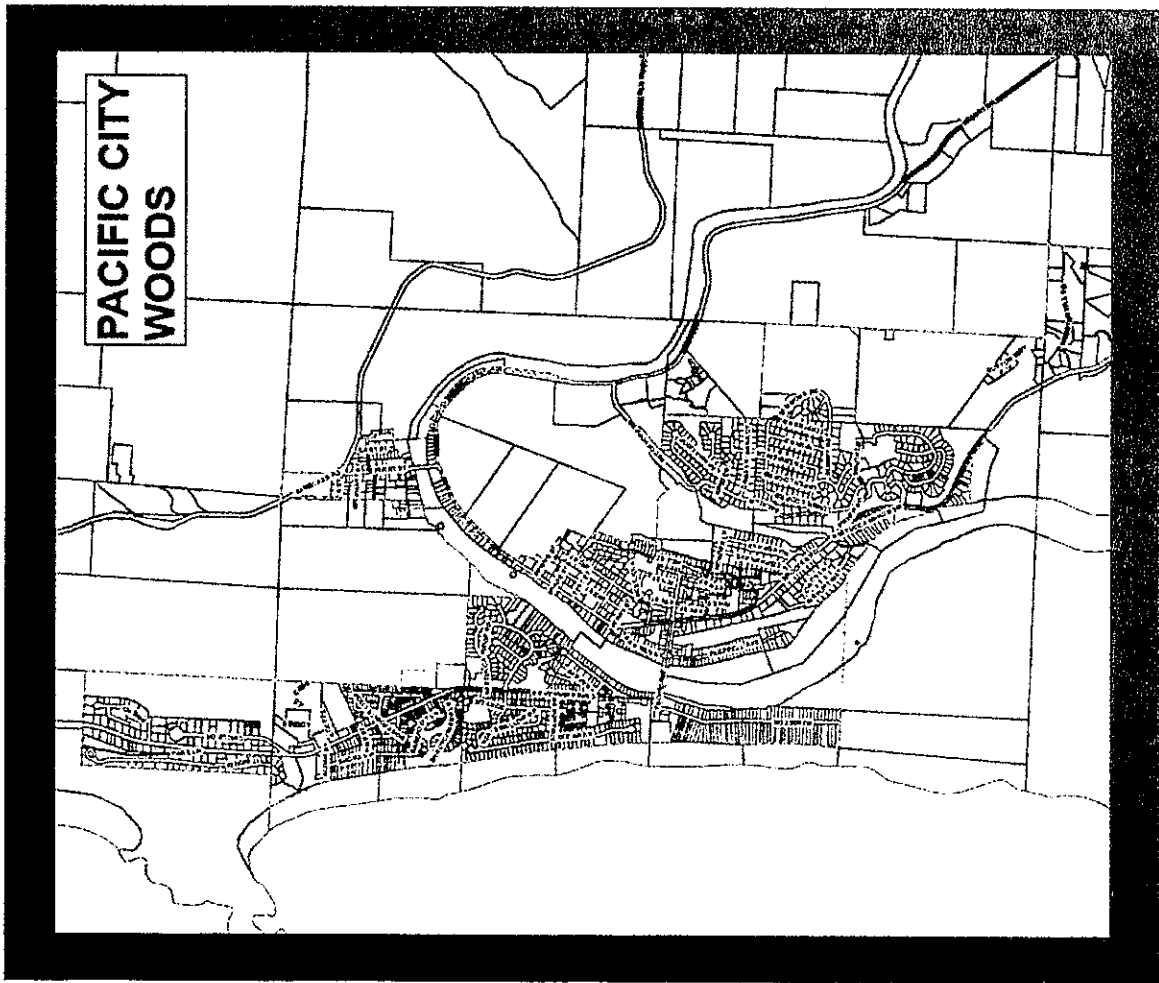
22%

RESIDENTIAL IMPROVEMENTS AT
VALUE > \$50K

1288

SHORT-TERM RENTALS

278



PACIFIC CITY/WOODS

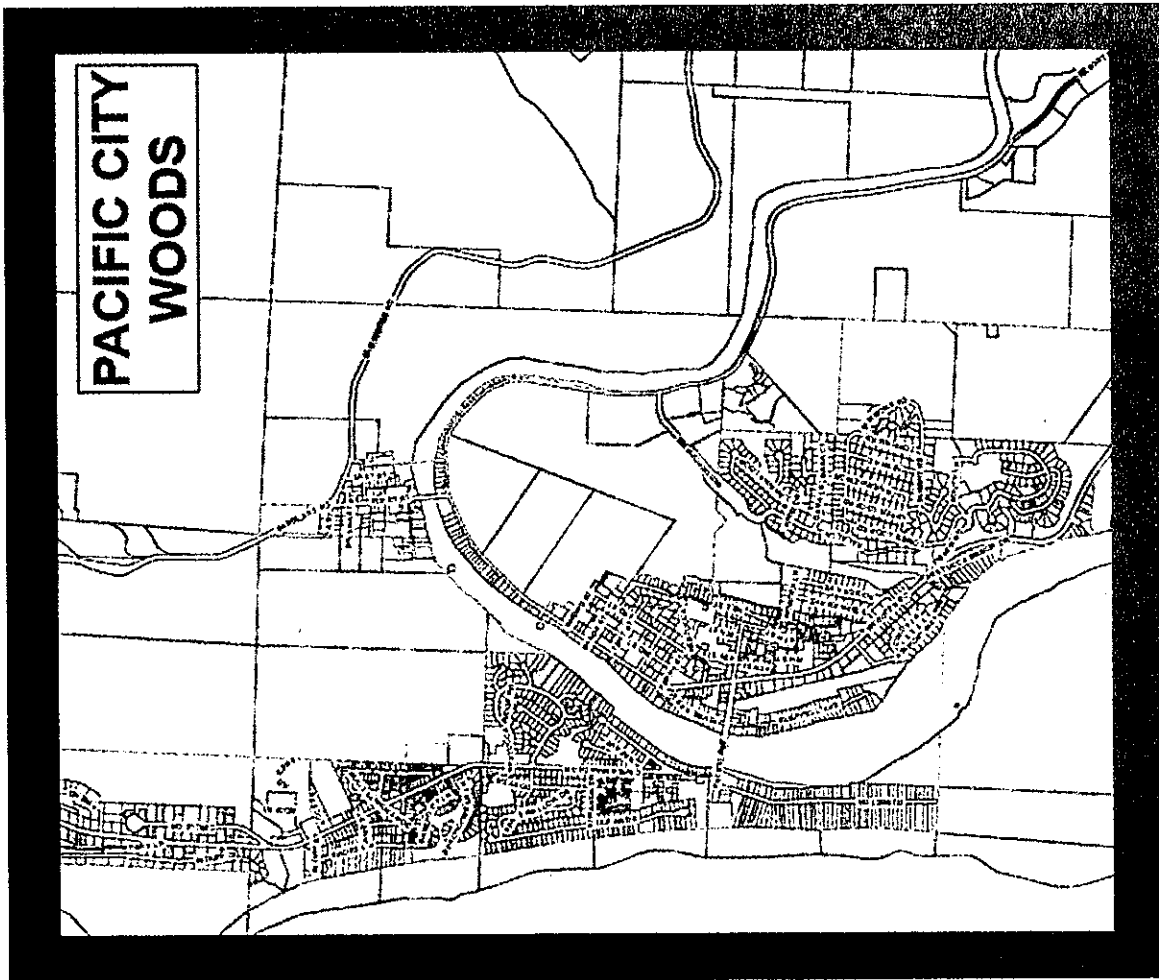
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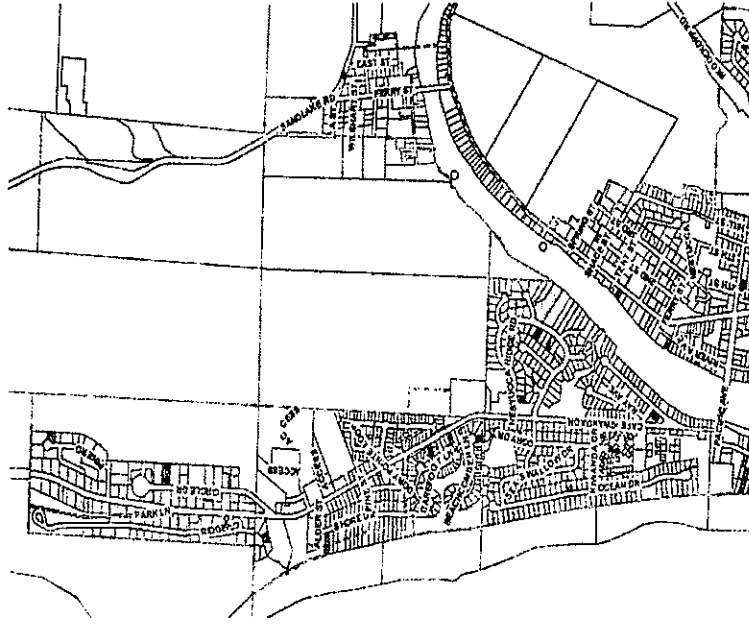
SHORT-TERM RENTALS

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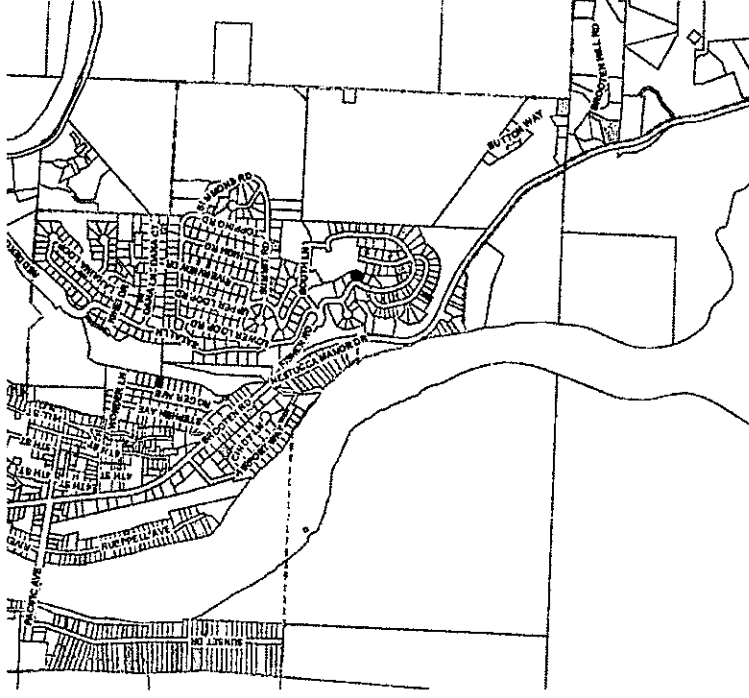


COMPARISON BY LOCATION

NORTH PACIFIC AVE. BRIDGE



SOUTH PACIFIC AVE. BRIDGE



NESKOWIN

16%

RESIDENTIAL IMPROVEMENTS AT
VALUE > \$50K

874

SHORT-TERM RENTALS

138



NESKOWIN

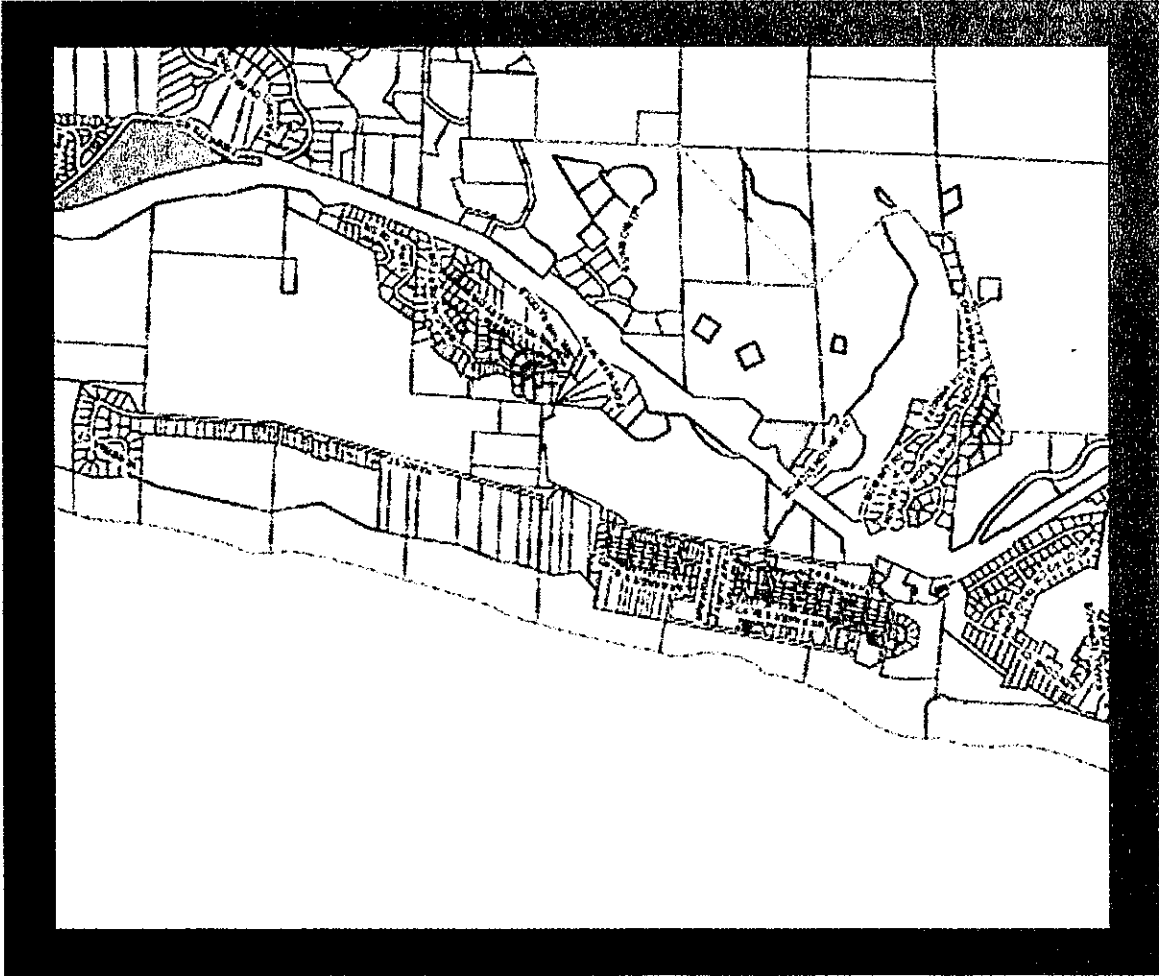
20%

DWELLINGS

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SHORT-TERM RENTALS

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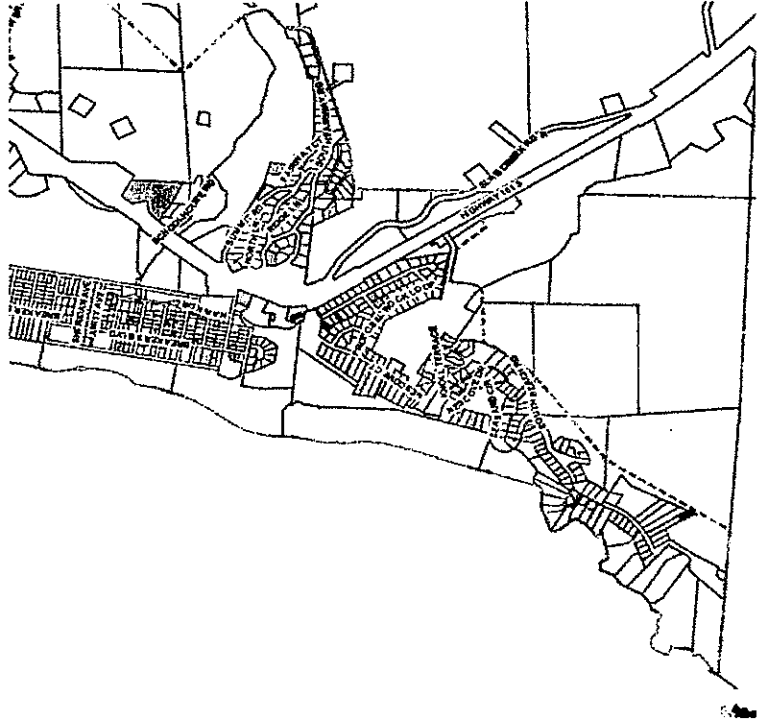


COMPARISON BY LOCATION

NORTH NESKOWIN



SOUTH NESKOWIN



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+ ○

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**AUGUST
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**OCTOBER
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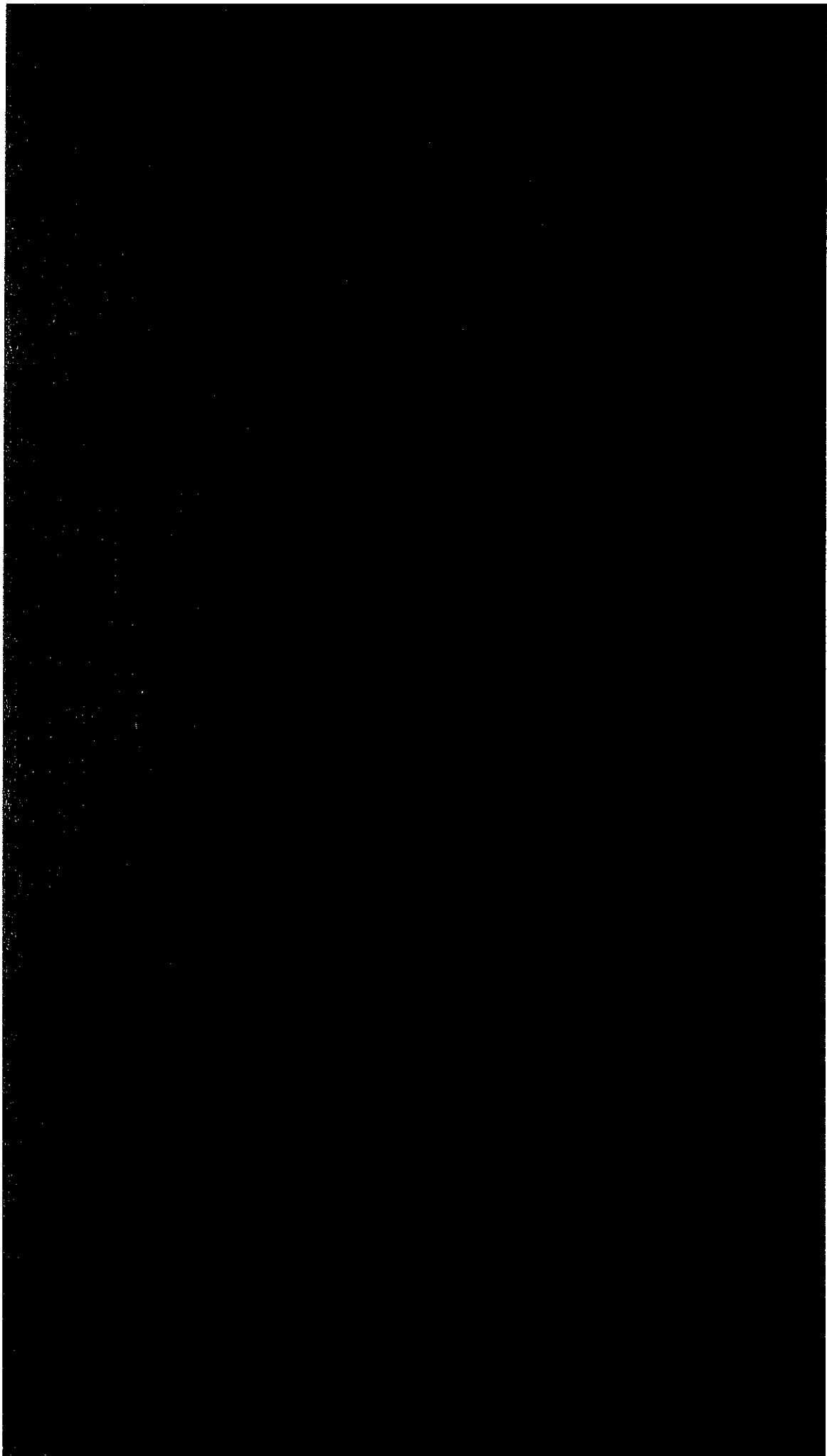
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FALL 2018	AUGUST 2021	OCTOBER 2022
1103	1133	1134

DWELLINGS IN COMMUNITIES

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

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



EXHIBIT

M

Issues the Advisory Committee did not address or embrace.

1. **Density Limitation on STR Registration Certificates Outside of Unincorporated Community Boundaries and City Urban Growth Boundaries (i.e., RR-2 zones and other non-resource areas outside of rural communities and acknowledged UGBs)**

The Advisory Committee did not address any mechanism to limit the number of STR licenses, which was viewed as an issue reserved exclusively to the Board for consideration. The issue arises only if STRs operate in a way that causes nuisance impacts on their residential neighbors and neighborhoods, and limits on the number of STRs is the only way to reduce nuisance impacts. Put differently, if all STRs operated in perfect compliance with all nuisance and operational requirements so as to be indistinguishable from owner-occupied homes, there would be no need to limit the number of STR licenses. However, neighborhood representatives provided compelling testimony that, in fact, there is a significant nuisance impact from a large number of poorly operated and managed STRs, which indicates that some sort of limitation on STR numbers is warranted.

Several mechanisms were suggested for limiting the number of STR licenses: (1) neighborhood or subregional caps on STR licenses, (2) a density limitation that prohibits issuance or renewal of an STR license if there is another STR within 250 feet (measured from closest property line to closest property line), (3) a requirement that to qualify for an STR license the dwelling must be the owner's primary residence.

- a. Caps: The County has discussed a subregional cap system, which requires the County to define the boundaries of each rural community/neighborhood or subregion (a mapping exercise) and then set a maximum cap on the number of STR licenses that will be allowed in each subregion. The process of setting caps will require a substantial amount of public process and will likely not be easy if the cap is set below the current STR pool size. The process will be made easier if the cap is set at or above the current STR pool size. Under this system, new STR licenses can be issued, and existing licenses renewed, only if there is room under the established cap at the time the application is reviewed. Priority would be given to renewal of existing licenses over issuance of new licenses. If the Board chooses this system, staff would recommend establishing a "wait list" for STR applicants who cannot receive licenses due to the cap. As capacity opens-up under the cap, the applicant at the top of the wait list would be offered the opportunity to obtain an STR license.
- b. Density Limits. Under this system, the County will not issue or renew an STR license if, at the time of application, there is a valid and registered STR operating within 250 feet of the applicant's property. Any applicant for a new or renewed STR registration certificate that is barred due to this provision will be placed on a waiting list in order of rejection/non-renewal and will be contacted as soon as the property is no longer within 250 feet of another active STR registered property. This system would be relatively

difficult to implement because it would basically create a slow motion race to each year's STR license renewal. For example, when two homes within 250 feet of each other both have an STR license, the first to apply for renewal would be denied and lose its license, and the second one would qualify for license renewal because the first one has lost its license. If the Board chooses this system, staff would recommend some sort of phase-in process to allow existing STR license holders who fail to qualify for renewal to continue operation for a fixed period of time (5 years) and then go out of business if they still cannot meet the 250-foot density requirement.

- c. Owner Residency Requirement. Under this system, in order to qualify for license issuance or renewal, the house must be the owner's primary residence, as demonstrated by several indicators, *e.g.*, voter registration records, DMV license records. This system is relatively easy to implement and potentially allows an STR license to issue for every house in unincorporated Tillamook County. This system, however, will eliminate corporate ownership of STRs and all out-of-town second homeowners from the STR program.

All of these systems limit or reduce the number of STR licenses and create scarcity in STR licenses. If the Board selects an option for limiting the number or density of STRs, it should be aware of the current pool size and distribution of STRs in each rural community within the County. The Board should be alert to when a particular limitation program eliminates STRs from the program because that action could create legal liability for the County if not managed correctly. Any regulation that reduces the current pool size or eliminates existing STR licensees raises the possibility of legal challenges. Conversely, if the Board selects a limitation mechanism that does not shrink the current pool size or eliminate any currently operating/licensed STRs, it likely can avoid legal challenges (at least for an unconstitutional Taking).

To guard against any legal challenges and reduce the risk of losing those that are filed, the Board should consider additional provisions to phase-in restrictions that might eliminate STRs from the program. Such a so-called amortization schedule would provide several years of continued operation as a way for STR owners to recoup their so-called "investment backed expectations." This means that for those STR operators who claim to have made specific investments in their homes uniquely tailored to using the home as a short-term rental, they can recover those investments before terminating short-term rental use. Those homes would then have to convert to long-term tenancy. In reality, every investment in a house for its use as a short-term rental can also be used for a long-term rental purposes or long-term owner occupancy. As a practical matter, therefore, it is very difficult for a claimant to prove an unconstitutional Taking claim because every STR can readily be used for long-term tenancy, *i.e.*, rental for more than 30 days. The county is not a guarantor of a particular annual profit based on a business license program that requires annual renewal and does not impart a property right.

2. **"Use It or Lose It" Requirement that STRs rent a minimum 30 nights per year to qualify for STR license renewal**

This issue arose when it became apparent there is a significant number of STR licenses held but not used. These STR licenses were apparently obtained as “place holders” to enhance property value for resale in the event that a would-be house buyer wanted to use the house as an STR. These shadow licenses affect the total number of active STRs existing on the coast and negatively affect County revenue that could be derived from active STR rental. Staff suggested to the STR Advisory Committee that they consider adopting a requirement for annual renewal that the STR be rented at least 30 nights (or some similar number) each year. This is consistent with the objective of an active, well-regulated and compliant STR population that contributes TLR tax revenue and licensing fees to the County program and general fund.

The Advisory Committee decided to not adopt this license renewal requirement. STR operators wanted the flexibility to rent as frequently or infrequently as they wanted without jeopardizing their license. Neighborhood representatives recognized the significant shadow license community that did not rent much, or at all, but did not want these regulations to result in a net increase in actively rented STRs, which would be the result if the County were to purge unused STR licenses from the system. Neighborhood representatives liked the idea that many homes held STR licenses but did not use them, which lessened the impact of STRs on neighborhoods.

3. Transferability of STR licenses - majority vote was to not allow new STR licenses to be transferable, but to allow existing STR licenses to be transferred once or twice after adoption of new regulations.

Transferability is comes up in the definitions (Section 030) and the substantive regulations (Section 060):

Section 030(DD). “Transfer” means a change in ownership of the property where the dwelling licensed as a Short-Term Rental is located that occurs after the effective date of this ordinance. A change in ownership does not include a change in owners on title resulting from death, divorce, marriage or inheritance.

Section 060(B). *Transferability of STR Licenses*. Any STR License existing at the time of adoption of this Ordinance is eligible for one (1) transfer to another person or entity. The current license holder or authorized agent shall notify the STR Administrator of the change in property ownership within sixty (60) days of the change. All subsequent changes in property ownership shall require a new STR License subject to then-current ordinance provisions. STR Licenses issued after the adoption of this Ordinance are not transferable when property ownership changes.

Transferability only matters if the Board adopts STR limitations that cap the number of licenses or otherwise restrict license issuance. If anyone can apply for and obtain an initial STR license, then transferability is a non-issue. Transferability only becomes an issue of there is a barrier to new entrants to the STR license program.

Staff recommends the approach recommended by the STR Advisory Committee that new licenses issued after adoption are non-transferable. Put differently, after adoption of these new regulations anyone with an STR license who sells the property (a “transfer” as defined in the new

regulations) would not also transfer the STR license, and the new owner would have to apply for and obtain a new license.

4. STR Noise regulations – difficult to enforce generally and especially for STRs.

The STR Advisory Committee adopted a somewhat subjective noise standard that will be difficult to enforce:

Section 080(F). *Noise*. Use of any radio receiver, musical instrument, phonograph, loudspeaker, sound amplifier, or device for the producing or reproducing of sound shall be done in a manner that does not result in unreasonable or unreasonably sustained noise beyond the property lines of the subject property where the short-term rental is located. Complaints of unreasonable or unreasonably sustained noise shall be responded to within 30 minutes of receipt of the complaint by the contact person for the short-term rental. Failure to respond shall be considered a violation of this ordinance and subject to the provisions of Section 130.

Section 080(G). *Quiet Hours*. The hours of 10:00 p.m. to 7:00 a.m. the following day are quiet hours, and there shall be no amplified music or unreasonable noise during quiet hours that can be heard beyond the property boundaries of the short-term rental property. Noise complaints during quiet hours shall be responded to within 30 minutes of receipt of the complaint by the contact person for the short-term rental. Failure to respond shall be considered a violation of this ordinance and subject to the provisions of Section 130.

The underlined terms in these sections are extremely subjective and make these noise provisions virtually unenforceable. Tillamook County does not have an adopted noise ordinance that sets maximum noise limits – either in measurable or quantifiable terms (decibel levels) or an objective performance standard. Even a measurable or quantifiable standard requires a properly calibrated and operated sound meter, which the county does not currently have and no one on county staff is currently qualified to operate.

Staff recommends a relatively strict STR noise limit but only during “quiet hours” (from 10 p.m. to 7:00 a.m.) that is easy to monitor, enforce, document, and prove if needed. Since no one (not STR operators/managers, STR tenants or neighbors) knows what “unreasonable noise” means, enforcement is virtually impossible. Staff recommends a prohibition of any noise (human voices, music, amplified, mechanically or electronically produced sound) that is audible at the STR property line. This standard is admittedly strict but would be easy to document with a simple audio recording on a cellphone up-loaded to the Granicus complaint hotline. Staff recommends eliminating any subjectivity or other sound limitations that make enforcement impossible so that the standard is clear to everyone.

EXHIBIT

N

Lynn Tone

From: Sarah Absher
Sent: Tuesday, May 23, 2023 4:58 PM
To: Lynn Tone
Subject: Just a few thoughts...

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

From: Karen Babbitt [REDACTED]
Sent: Monday, May 22, 2023 7:14 PM
To: Sarah Absher <sabsher@co.tillamook.or.us>
Subject: EXTERNAL: Just a few thoughts...

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

Hi Sarah,

I read the draft ordinance.

I think it's a good compromise. Well done!

I was so drained after our final meeting that I took a STR break. I recommend it 😊!

I had several little comments on the draft:

1:

should the purpose of the ordinance be "for the rights of property owners to use their property as they choose" or the rights of property owners to run an STR in compliance with this ordinance...or the rights to apply for a STR license. I got to thinking that the ordinance draft language might lead to a legal loophole...humm...maybe I should stop over thinking...is this something to check with Mr. Kearns?

2:

Example of total count for a 2 bedroom with daytime visitors states 12 as the total. It would be 15 with the 3, 12 and unders counted.

3:

Will the "Hello Neighbor" handout include "dark skies" after everyone is in for the night? I asked this before, just wanted to make sure. I've had 3 requests to tighten up the downlighting in the ordinance. We don't need this in the ordinance! Also "HN" will be available to full and part time residents, as well as STRs. Something we should all be considerate about!

We'll that's it... thank you for your calmness, smarts, ability to run a good meeting, letting everyone speak and guiding us to a finish!!!

Amen

Karen Babbitt

Sent from my iPhone

Lynn Tone

From: Sarah Absher
Sent: Tuesday, May 23, 2023 4:57 PM
To: Lynn Tone
Subject: Mike Saxton STR Committee REFLECTION statement
Attachments: Mike Saxton reflection statement.docx

From: Mike Saxton [REDACTED]
Sent: Wednesday, May 17, 2023 12:52 PM
To: Sarah Absher <sabsher@co.tillamook.or.us>
Subject: EXTERNAL: Mike Saxton STR Committee REFLECTION statement

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

Hi Sarah,

Below is my reflection statement for our Short Term Rental committee. Thank you again for all your help and selecting me to represent a corner of our county. Please let me know if I should be emailing this to the commissioners or anybody else.

Mike Saxton

Dear Commissioners and Sarah,

I would like to thank Sarah Absher & Commissioner Skaar for selecting me to participate on this committee. Sarah did an amazing job guiding us on this 12 month+ journey, and allowed all views to be expressed without being interrupted or talked over by others. Every committee member was given time to express their concerns.

I fully support a healthy and efficient STR program in our county. I completely understand the benefits that the county experiences from having STRs, as did the other members of the committee. But we also all agreed that livability is the number one issue needing to be addressed when making decisions throughout the meeting agendas. I would just like to find a better balance so that families that live in residentially zoned neighborhoods can enjoy their neighborhood for what it was intended to be. Residential.

I really wanted somebody that has actually lived the reality of what several STR's in a neighborhood do to the livability of it, to be a part of the committee tasked with developing the regulations for it. I have seen the count of STRs in close proximity of our family's residence go from 2 or 3 to now 7 or 8 in just a few years. Quite honestly it's not the noise, parking, garbage or any other nuisance issue that affects our livability so much as it is all those things multiplied by the volume of STRs in our neighborhood.

STR owners and managers for the most part, don't meet or even talk to their customers. They exchange a few texts via whatever booking platform they use and their customers check themselves in and out of their properties. The burden of dealing with and interacting with their customers falls onto the families living in the neighborhoods. We are, being held responsible for reporting all bad behavior not just for 1 or 2 STRs but up to 7 or 8. 1 or 2 bad experiences doesn't bother me as much as several bad experiences spread out over the 7-8 STRs week after week. That is a burden none of us signed up for when we purchased our homes in residential zones.

All I ask of you, commissioners, to consider when reviewing our proposed amendments to Ordinance 84, is think of how we want our community neighborhoods to look like, not in just 3-5 years, but 15-20 years and beyond. Do we want neighborhoods that only host seasonal visitors for a few months of the year or healthy vibrant involved communities with residents who volunteer their time, work at local businesses and contribute to the neighborhoods that they have chosen to make their home? STR customers are not "living" in these properties short term. They are using our neighborhoods as their playgrounds for a few days and leaving. There is no sense of community in a neighborhood when different groups of people move in and out every week.

Thank you for taking the time to read my reflection statement. It is appreciated.

Mike Saxton

South County representative and Tierra del Mar resident

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Thank you for taking the time to read my reflection statement.

Mike Saxton

South County representative and Tierra del Mar resident

Lynn Tone

From: Sarah Absher
Sent: Tuesday, May 23, 2023 4:57 PM
To: Lynn Tone
Subject: FW: Reflections on the STR Advisory Committee

From: Pam Zielinski [REDACTED]
Sent: Wednesday, May 17, 2023 6:47 PM
To: Sarah Absher <sabsher@co.tillamook.or.us>
Subject: EXTERNAL: reflections on the STR Advisory Committee

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

Hi, Sarah. Thank you for all the work you put into this long effort. I will never know how you manage to do so many things so well!

Here are my reflections on the experience of participating in the STR Advisory Committee:

REALTORS pledge to defend property rights, so I was glad to be on this Advisory Committee to speak on behalf of property owners. I was disappointed, however, that the most threatening issues were taken off the table for discussion by the "advisory committee" and the committee was relegated to discussing mainly operational and procedural changes.

Oregon's 1975 Land Use goals mandate that counties plan for sufficient lodging and accommodations so visitors may recreate along the shorelands. It also requires Advisory Committees and affected citizens be involved in rulemaking. Yet despite this Committee's countless hours in meetings and reading reams of public opinion letters, the Committee's input seems secondary to a plan which was developed behind the scenes. For instance, committee members were not consulted when the Commissioners decided to implement the pause last July, an action which damaged countless homeowners and potential homeowners. And, the first draft of the revision was done without the committee's involvement.

Additionally, some committee members asked repeatedly for statistics showing the need for proposed changes, but were told the data is not currently available. Statewide Planning Goals say such data should be made available to the Committee and to the public.

It seems that the public testimony and the real opinions of the advisory committee are just window dressing to pretend the Commissioners are gathering input from potentially affected parties. The way the meetings are set up is flawed. The primary complainers are retired and have time to sit through long meetings and repeatedly offer the same testimony. People who are most negatively impacted by this effort are either out of the area and/or are the workers who cannot leave work for hours on end to attend these long daytime meetings only to get 3 minutes to talk at the end. This structure favors the privileged who have time and money to work the system. While 2/3 of the public comments are emotional outcries from people whose livelihoods are threatened by these actions, it is apparent that the decisionmakers at the county are most influenced by the vocal minority who voted the Commissioners into office. Should the Commissioners only represent voters? Shouldn't they represent the interests of all taxpayers in the county?

I will try to remain optimistic about the final outcome and will maintain an expectation that the Commissioners will hear the outcry of the people who trusted the County to honor what has been implied for so many years. I trust that the Commissioners will see the wisdom of making minor changes gradually to try and mitigate the damage they have the power to cause. I expect that the Commissioners will weigh the extent of the harm they can do with many drastic changes against the unproven possibility that their actions might improve livability for a few people who want to know who their neighbors are.

Respectfully,

Pam Zielinski
Representing Tillamook Board of REALTORS

Reflection Statement

Hillary Gibson

Tillamook County Short-Term Rental Advisory Committee

May 22, 2023

Reflection Statement

I am providing this Reflection Statement at the request of Sarah Absher, Director of Community Development for Tillamook County. I am thankful to have been selected to serve on the STR Advisory Committee since 2022. I attended every meeting as a representative for Neskowin. The County STR Advisory Committee was well-balanced, and spent significant time considering community input from all sides. This statement reflects my own personal opinion and is not intended to represent other members of the community.

Missing Information

In total we had 17 meetings from February 2022 - May 2023. In the fall of 2022, there was a shift in the tone of our meetings and in January 2023 we were presented with a proposed draft of an STR ordinance which was not entirely reflective of discussions, nor anticipated as we had already started revising the current version of Ordinance #84. From that point on our feedback was largely limited to specific topics and many concerns went unaddressed. We were routinely told more data would be forthcoming regarding economic impacts beyond TLT, data for 2022 complaints and violations, and various statistics for current permits, but much of that was not shared. It was challenging to make informed recommendations without this relevant and vital information.

Draft Ordinance

The draft ordinance being proposed was not authored by the STR Advisory Committee. We merely advised on recommendations from a limited list of topics, and some changes are reflected in the edited draft, while others are not. Commissioner Skaar's original expectation was for our committee's recommendations to be well-thought out, well-vetted, and a carefully chosen long-term solution. We were told that county's counsel, Dan Keams, would evaluate the recommendations that came out of the committee. In reality, the committee evaluated the recommendations that came from the county.

Perspective Change

Reflecting on the past sixteen months, the shift is more apparent in hindsight. At some point STRs in Tillamook County went from being the "front runners" compared to other communities, and a very vital system and great piece of the economy, to something incompatible with residential neighborhoods, having a damaging impact on livability, and in need of limits by number, concentration, and scale to protect the character of neighborhoods. STRs used to be seen as a benefit, but the proposal that owners give neighbors annual notice of STR operation appeared more like a warning than a welcome.

Well Balanced

At our first meeting it was explained that each member represented both community interests and self-interests. As a representative for Neskowin, I frequently shared community feedback and survey results, in addition to my perspective as a homeowner with an STR permit. A committee composed of members without conflict of interest would be a committee without interest in this important work. Our committee as a whole was well-balanced and this led to healthy debates and collaboration. An incredible amount of work has been invested by this group of volunteers and by the county to organize this process. The dedication of the volunteers to step up and devote significant time to this monumental task is impressive and I'd like to extend many thanks to all the volunteers and the Community Development team.

Consensus or Majority

During the past year, a couple vacancies opened up on the committee, but were not filled. Most notably, the "Tourism Industry" role was vacant upon the departure of the original representative. Further, the original intention of following a "consensus-based approach" seems to have been replaced by noting majority or minority support instead of consensus or no consensus. For example, there was not consensus to support a 1% cap over each community's current STR percentage level. Notably, the committee never voted on the draft as a whole, and only voted on select individual components.

Communication

As a homeowner with an active STR permit, I have found the lack of communication from the county to homeowners with STR permits to be insufficient regarding this ongoing process. This committee had 17 meetings before Tillamook County directly communicated plans to revise Ordinance #84 to owners of homes with STR permits. During this time frame, all STR permit holders were emailed five times with reminders to remit quarterly transient lodging taxes with no mention of the rules & regulations being updated. While not legally required, the optics of this inaction do not reflect well on Tillamook County. As a result, homeowners with STR permits have had to organize grassroots advocacy to share information.

1% Cap - Essentially a Moratorium Extension

The proposed 1% cap via board order is not currently available anywhere in writing for the community to reference and therefore make informed public comment. Several draft revisions show a strikethrough on the percentage cap section of the draft which was misleading. I've had countless owners tell me there will not be percentage caps because it was crossed out in the draft. It is my opinion that 1% is too low and will effectively renew the moratorium on new permits, with just a lucky handful being granted after waiting for a year. In an area with so many seasonal homes it is not equitable to shut out any homeowner from having an opportunity to be approved for an STR permit.

Legal Counsel

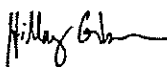
Concerns remain that Tillamook County is not receiving sound legal advice. Dan Kearns, the "neutral" counsel hired to advise the county, referred to STRs derogatorily as "Horizontal Hotels" in the public meeting on April 18, 2023. The county may be exposing itself to litigation by replacing all current STR permits with licenses, instead of simply issuing licenses to new STRs.

Facts

I encourage the BOCC to follow the facts, data, and law when deciding the future of STR regulations, versus capitulating to the disproportionate comments from one single community. The BOCC represents all county citizens, and not just voters. We have heard from homeowners throughout the county who love the Oregon Coast and are simply asking for sensible regulations.

Gratitude

Lastly, I'd like to extend gratitude and appreciation to everyone who has participated in this process at the county meetings. Despite the concerns mentioned in this Reflection Statement, I believe the STR Advisory Committee worked well together and everyone gave valuable feedback which impacted the ordinance draft to some degree. I am including a supplementary public comment with this Reflection Statement to provide additional information learned from my time on this committee. Thank you for taking the time to consider this feedback.



Hillary Gibson

Tillamook County Board of Commissioners
Submitted via email to Director Absher

May 22, 2023

Dear County Commissioners,

I am writing to provide a reflection of the time I spent serving on the Tillamook County Short Term Rental (STR) Committee as the Economic Development representative at the request of Director of Community Development Sarah Absher. After more than a year of service, it is clear that the County is truly at a crossroads in evaluating where and how short-term rentals are prioritized and treated in Tillamook County.

I am a relatively new Tillamook County business owner who purchased a retail store and restaurant in a location that has been in service over a **century**. I entered this process with a desire to better understand the STR program, its economic benefit to communities and with curiosity towards COVID related impacts. As a business operator, COVID impacts are still being felt with our restaurant remaining shuttered due to lack of staffing and cost of goods increases.

When I reflect on the last year and more, I have come to understand:

- visiting the Oregon Coast in a temporary way, whether through camping in tents or cabins, at second homes, RV's and more has been happening since cars made it possible. That's why there has been a store in our location for over 100 years - we are proud to continue the legacy many Tillamook County businesses have built for decades.
- vibrant small, family-owned businesses can be found up and down the coast. Many of these businesses contribute to tourism and hospitality directly such as fishing tours, restaurants, art galleries, retail stores, etc. just as those in dairy, farming, timber and others do indirectly through locally grown supplies and materials and providing services.
- there is real division in communities on the impacts of temporary housing to communities and livability for residents, most vocally from residents who live full-time in historically resort areas.

I was hopeful the Committee would be charged with evaluating real data to determine which and how many of these sentiments are true from both sides of the proverbial STR coin. Unfortunately, the timeline to do so was compressed by the County's adoption of a pause on issuance of STR permits which accelerated the Committee's work to meet a July deadline.

I would like to share some clarification points, some areas I feel were successful and some I feel are premature and or unnecessary for action at this time.

Clarification:

- Please note that the draft revision the Commissioners are being given was solely drafted by County attorney Daniel Kearns. The STR Committee did not author it nor were they made aware that the goals had shifted for the committee and an attorney was being hired.
- Entire sections of the revised ordinance were not reviewed or voted on by the Committee. This includes critical items such as:
 - There was no committee consensus that a "reduction tool" to reduce existing STR permits was favored by the Committee. Instead, the Committee was charged with selecting the best tool should there be one selected. This charge was problematic as it wasn't desired by the Committee.
 - After being directed to select a "reduction tool" after consensus for one was not reached, a majority, not consensus, selected a percentage cap.
 - The Committee did not propose the 1% cap number or the additional community engagement conversations.

- The ordinance does not include a sunset timeline for any temporary caps or measures put in place while additional community feedback is solicited. This is problematic as this process could continue on for years with the level of community division witnessed.
 - The draft ordinance does not clearly document a process for who will receive future notices, who can participate and who decides any new regulations being brought to communities for further discussion.
 - If the Commissioners determine they feel it is fair to change regulations for current lawful permit owners who have followed the existing ordinance complaint free (in some cases for decades), the committee did not discuss or agree on a proposed compliance timeline.
- An important position was left vacant for months when the Visit Tillamook Coast representative was not replaced. Subsequently there was no expert on the panel in the remaining 6+ months to discuss critical issues surrounding economic impact.
- No discussion was had regarding the extreme bump in activity for temporary lodging during COVID.
 - 2023 TLT data shows a stark reduction from the prior two years, this is no surprise, businesses are experiencing upwards of a 25% reduction in business as the world has opened back up.
 - The ordinance was last updated in 2019, in the four years since, more years were COVID years than not, three out of four to be exact. This has to be factored into timing of future decisions.

Success:

- At the first county meeting, Commissioner Skarr and Director Absher charged the committee with considering safety as priority number one. The revisions discussed by Committee members and in some instances provided in the latest ordinance have accomplished this goal without the need for additional reduction tools at this time:
 - implementation of a hotline for valid complaints and tracking
 - streamlined parking requirements
 - clear documentation of bedrooms vs. sleeping spaces
 - concise and direct signage and contact information updates
 - detailed noticing for neighbors
 - addition of noise parameters and policy
 - trash handling updates and revisions
- Commissioner Skarr and Director Absher selected a diverse group of Committee members with valid positions and background to debate and discuss an important issue.
- Director Absher led fruitful discussions with respect and encouraged debate and direct input.
- Commissioner Skarr was a stable presence at meetings and engaged with the Committee and staff to guide and maintain an open process.
- Community participation was present at every meeting. Though it was hard for working community members and families with young children to attend during the work day, written comments were also accepted.

Wait and See:

- Due to the lack of receipt of the majority of requests for data: housing data, historical STR data, data showing registered complaints, economic analysis, feasibility of implementing measures proposed - moving forward with reduction tools is premature. There was simply not enough time in this process or data given for Committee members to justify a broad stroke reduction tool at this stage.
- The new hotline will provide the critical data needed and this combined with the safety and livability updated in the ordinance are the appropriate first steps in a revised ordinance and one that treats all property owners equally as the Commissioners represent all property owners regardless of how they use their property.
- County staff and Mr. Kearns, not the Committee, proposed an additional 1% cap on new permits in addition to the safety and enforcement updates already included in the revision. For businesses reliant on temporary lodging for guests to give patronage to their businesses, this is a concerning. Some communities such as where my business is, in Neskowin, have zero temporary lodging alternatives outside of STRs. Capping lodging is capping revenue potential growth which in turn caps jobs in many communities.

- A 1% cap for growth management combined with the proposed modifications will be reductive. The most calls I received from other business owners was directly after the April meeting when a 1% cap was discussed. Many businesses shared that this could quickly turn their businesses to seasonal only requiring workforce reduction. Others shared that coming off of COVID, this could be the final nail that closes doors permanently. I encourage the Commissioners to read the Tillamook Chamber of Commerce public comment from the May 2023 STR Committee and consider the concerns they have raised.
- Operators of lodging in Commercially Zoned areas should be exempt from this ordinance. Many have outright use through zoning and are in high traffic commercial areas, like our neighbors at the Proposal Rock Inn, who hear our and neighboring businesses delivery trucks at all hours. Many developments were built for and have always operated as temporary lodging and lack the facilities for year round residence.
- As a family-owned business, I found it concerning that a limit on transfers was included in the draft ordinance for existing permit owners, without consensus and after lengthy debate by the Committee. Utilizing lawful structures such as family trusts and LLC's for property ownership protects families through painful times such as the death of a parent but would be considered a transfer in this ordinance. This feels punitive - how could one anticipate this need in advance? If the owners remain a part of a structure that better protects their families they should not be penalized.

In summary, I thank the Commissioners for attempting a process with inclusion and opportunity for voices to be heard - you have accomplished this successfully, no small feat. It's the Commissioners turn to closely listen to each population, their concerns, and how each group weaves into the fabric of Tillamook County - after all, they represent all property owners and tax payers.

Without data, decisions can't be made. I encourage the Commissioners to consider the very real lack of data in all the core areas of concern presented. As a first step, fund positions and technology needed to truly represent all constituents and collect at least 18 months of data before considering further reduction tools not listed in the revised ordinance provided. Director Asher's department is woefully understaffed. Businesses are already battling inflation, digging out of the 3-year COVID hole, facing staffing challenges and the threat of FEMA related cost increases and inability to maintain and update infrastructure in our County. Please don't make it harder for us to keep our doors open and paychecks arriving on time.

I thank you for this opportunity.

Sincerely,



Alexis Tate
Neskowin Trading Company
Economic Representative

Reflections and Requests regarding the STR Committee:

Thank you for the opportunity to be part of the STR advisory committee as a representative for local STR managers. The process was thoughtfully organized. I especially appreciate the hours of volunteer time given by the committee members. This committee worked hard. I also wanted to thank everyone who provided public comment, written or in person.

In the beginning, I was asked what my special talent for the committee would be; it was being practical. My family-owned, local management company has been operating in Tillamook County since 1989. I understand the hard work and expertise required to effectively market and care for a beach rental. I am intimately aware of the nuances of the current STR permit process, and I work within the county's STR program daily. I have been on the two previous iterations of this committee and was engaged with the county when the first ordinance was drafted. I have a strong passion for the STR industry and enjoy helping elevate best-practices for all STRs in our area. I am thankful for sensible regulations to keep a level playing field and help keep guests safe and happy.

Meeting Tone Changes

This committee has been meeting for over a year. The beginning process was educational and collaborative. The tone, direction, and progress of our committee completely changed when the county engaged independent council, Dan Kearns. It cannot go without stating that Mr. Kearns represents very active, anti-STR citizen groups, and has legally engaged with both of our neighboring coastal counties. Although we were continuously assured of non-bias, this choice of council is pre-loaded with imbalance.

What's the Point of STRs?

Benefits of STRs were virtually exempt from the conversations apart from one meeting. Appreciation for the importance of compliant STRs and their significant benefits to the local economy was lacking. Data regarding the economic impact of STRs in Tillamook County was not provided (apart from TLT figures which support that STRs are 70% of our overnight tourism spending). The historical and cultural relevance of STRs in Tillamook County was not recognized or addressed during this committee process.

The committee lacked representation most knowledgeable of economic STR impacts. Our Tourism industry representative on the committee resigned months ago and was not replaced. Also, the North County STR representative resigned after 2 meetings, and was not replaced.

The Newest Draft: Rules, Fines, Fees

This committee's focus was rules and violations. The resulting presented ordinance is full of increased restrictions, enhanced enforcement tools, and higher fees.

From 2020-2023, fees for having an active STR have grown exponentially. In 2020 yearly renewal fees were \$250. Now, an average STR pays \$850 yearly to renew. This new draft raises fees for inspections, yearly renewals, and a new fee for management changes. As an aside, the Operator License Fee program was designed to apply to all lodging, but still only applies to STRs.

Now, there are even higher fees. And brand-new stronger rules regarding septic, lighting, diagrams, parking, hours, additional postings, advertising requirements and more. I feel that the currently presented draft of this

ordinance is a 'reduction method' in itself. With better data collection methods in place, we need to assess how stronger regulation, new enforcement tools, more complicated requirements, and much higher fees will all affect everything regarding STRs. We were also presented with data showing that many permitted STRs were very scarcely used. It is logical that with more complicated and expensive requirements, many will fall out of the program.

Public Comment Notes:

Public comment was presented from business owners throughout the county reflecting their reliance on tourism.

The vast majority of negative STR comments were from Neakahnie, where there is a lower number of STRs. While Pacific City has significantly more STRs than any community, there were much fewer negative STR comments.

Public comments were not addressed within the committee as much as I feel they should have been. I understand the process, but I appreciate the feedback and time given to consider our committee meetings. I feel public comments were disregarded as just procedural and we did not consider many repetitive themes.

Growth Management Tool?

The ordinance is glaringly missing the "growth management" tool that we were required to discuss. The absence of percentage-based permit CAPS on STRS is confusing. After following specific directions, we spent hours of committee time on this topic. I do not understand how it is omitted now. It is my understanding that there may be a 'board order' or some other rule process to enact these CAPS. I am skeptical of this process and request that public notice is given to any affected property owners in the county if a separate CAP is still planned. All property owners in Tillamook County are affected by this CAP. All homeowners previously could choose to apply for an STR permit; going forward this is no longer a choice for them. The implications of the current version of the ordinance need to be assessed before further limitations are placed.

I am very interested and skeptical of the plan to work within individual communities to determine different STR rules within each community. This sounds lengthy, complicated, and difficult to establish consensus. Leaving this so ambiguous without an end-date leaves so many landowners without answers.

Specific Ordinance Notes & Questions:

- Changing the name of the County sanctioned STR permit, to a Registration Certificate, to a License. I am not a planner, attorney, or expert in the implications of these terms, but I am certain there are implications, and they have not been fully explained.
- .010 B states that this ordinance is not a 'land use regulation'. Throughout our discussions, it was never made clear that this statement is accurate. Especially regarding neighborhood, or community-based CAPS. Established communities are defined within Tillamook County land use code.
- Parking: Why do we have to submit a photo of a garage, if the home is going to be inspected for parking anyway? This is arbitrary and extra work for CD staff.

- Noise: This Section is subjective and leaves too much to interpretation. This should be addressed by county or community noise ordinance. I can see this violation applying to construction noise, baby's crying, car doors, talking outside, etc. depending on the size of property and proximity of the neighbor.
- Garbage: Requirement of haulers to provide 'assisted pick-up' is too much. If your garbage is a mess, you'll be in violation. We already do this as a service to our owners and owners shouldn't have to double pay.
- Exterior signage changes: New proposed changes are already requiring a significant expense and change for our business. **Please remove the permit expiration date requirement from the exterior signage.** What problem does this solve? This was not discussed in committee. It is posted inside. Granicus will flag expired homes who advertise. The biggest signage challenge is our weather. Please don't make us change functional signs every year. This was not the language presented to, or vetted by the committee.
- Complaint -vs- violation: I'm still not certain when a 'complaint' becomes a violation. I suggest stronger timeline language, or 'unaddressed' be stated more frequently when the ordinance refers to complaints that could lead to violation.
- Fine complainers: We discussed and approved this in committee, but it didn't make it in. Here's the phrase from Clatsop County: Unsubstantiated Complaints and False Reporting. The County may impose a fine for filing a false complaint regarding the condition, operation, or conduct of occupants of a short-term rental or their quests. Per Section 1.11.010, Clatsop County Code, the submittal of a false complaint is a Class B violation and may be subject to fines as specified in Section 1.11.010(C).
- Transferability: The committee agreed that if CAPS are in place, there should be 2 ownership transfers. This would allow a family to change their ownership structure if needed, and still sell their home without losing the STR.
- Special exceptions: The ordinance should allow staff to make special exceptions to parking and occupancy. If a home is on acreage with designated parking for more than 6 cars, then they should be able to advertise for boats, ATV trailers, etc. This could require neighbor notice, etc. but it should be considered. We were not given data regarding how many homes currently allow more than 6 cars.

Thank you for considering my comments and again allowing me to participate in this process.

Nicole Twigg
Nicoletwigg22@gmail.com

EXHIBIT

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May 19, 2023

To: Sarah Absher, Tillamook County Community Development and Tillamook County Commissioners
Re: STR county ordinance #84 Public Comments

Hello Sarah

After much discussion, the board of directors of Tillamook Coast Visitors Association (TCVA) wish to make a public comment about the suggested STR permit cap revisions to the STR County Ordinance #84. As a tourism destination management organization, we are committed to the three pillars of sustainable tourism: people, place and profit. This means we support community and livability, promote stewardship of our environment, and create year-round economic vitality for our tourism-based businesses.

We understand the issues surrounding "nuisance" STRs that disrupt those who live here full time (as we do), and those who wish to see limits placed on those second homes. A few of our board members have personally experienced the disruption. However, it is clear from the work of the STR committee, and the complaint calls to the county concerning problem homes, that lack of enforcement of STR ordinance rules is the biggest obstacle to livability, and perhaps the environment.

While we would like to see enforcement addressed in this ordinance review, we realize that time is running out to come up with a solution, which TCVA would be more than willing to help develop. We are committed to helping our tourism businesses thrive, and with 70% of TLT deriving from STRs, any cap on permits will threaten economic growth and businesses that rely on visitor spending.

We are realists, however, and know that having a cap on permits helps address the issues that some communities are grappling with, especially those in unincorporated areas. The suggestion of a 1% cap is too limiting, and may create a falling economy in real estate values, lack of growth in TLT that is used for much-needed destination management projects, and the health of our locally managed STR agencies that employ hundreds of people, and who work diligently to remain in compliance with STR ordinance rules.

At this time, the TCVA board is in favor of supporting a 2% annual cap as a compromise, with a review of economic impact within three years.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Nan Devlin".

Nan Devlin, Executive Director
Tillamook Coast Visitors Association
PO Box 1268 Tillamook OR 97141
503-842-2672

Sarah Absher

From: Public Comments
Sent: Wednesday, May 24, 2023 7:47 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Short Term Rental

From: ANDREA D AMICO <ANDDAMICO@msn.com>
Sent: Tuesday, May 23, 2023 7:39 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Short Term Rental

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

Dear Commissioners,
My name is Andrea D'Amico, and my family has a cabin in Netarts.
There is pros and cons to Short term rentals.

Alot of Cons to STR, but many of them have been solved thru rules and regulations. Both from the county and the rental companies. Noise, parking, max occupancy ect.

The pros to Short term rentals is economics.

When we don't use our cabin we would like to be able to rent it out. So other families can enjoy the amenities the county has to offer. With other families, brings economic benefits to restaurants, coffee shops, grocery stores unemployment rate.

Example if we come 4 times a year and go out to dinner, that is only 4 dinners for the restaurant , 4 dinners the cook provides and 4 dinners the waitress serves, ect . Compared is we rent out the other 48 weekends it adds 48 to all those previous numbers.

The boom of Short-term rentals is over, during the pandemic people couldn't travel publicly and a lot of people could work from anywhere that had wifi. Therefore, short term rentals were very popular. Now that we are getting back to normal. I don't think short term rentals will be the craz, more of an option for a vacation experience.

Short term rentals help the economy for all. And with the economy slowing down, I hope you consider the percent of short-term rentals to help the county and county businesses financially.

Thank you very much for your time
Andrea D'Amico

Lynn Tone

From: Lindsey Boccia <lindsey.boccia@gmail.com>
Sent: Monday, May 15, 2023 7:56 PM
To: Lynn Tone
Subject: EXTERNAL: Fwd: Tillamook County Short Term Rental Pause

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

Hi Lynn,

Can you please include my testimony below for the public hearing / staff report for the public hearing on short term rentals ? I won't be able to testify on the day.

Thank you,
Lindsey

Begin forwarded message:

From: Lindsey Boccia <lindsey.boccia@gmail.com>
Date: May 14, 2023 at 7:10:13 PM PDT
To: mfbell@co.tillamook.or.us, dyamamoto@co.tillamook.or.us, eskaar@co.tillamook.or.us, rhagerty@co.tillamook.or.us, igilda@co.tillamook.or.us
Subject: Tillamook County Short Term Rental Pause

Dear Councilors,

I'm asking for and need your help.

My family spent three years finding the perfect lot in Tillamook County and reading 1000 pages of tillamook County's comprehensive plan to make sure we were aligned with the County's goals. We confirmed we'd be able to rent the property once the cabin was built. It was the only way we could afford the dream. We purchased the and spent an additional \$30,000 meeting all of the land use requirements / permit Fees that Tillamook county wanted us to go through to get our permit.

Once the permit was finally in hand (pre pandemic) two things happened: 1.) pandemic pricing doubled the estimate of the home we had permitted, pricing us out of our own permit. We had to scale down plans to a modular unit 40 x 14. 2.) after we spent years / our savings , tillamook County formed this committee to limit STR's.

We have a family of four - My husband and I both work and we have good jobs. However, the cost of our primary house, daycare, groceries, saving for college etc. etc. make it almost unattainable to own the little cabin unless we rent it when we're not there.

Some of the people that are complaining about STR's within the committee process make it sound a lot more like class warfare and generational wealth vs the rest of us.

The Irony of it : We actually just returned from spring break for five days at the beach. It's almost equally unaffordable to rent. We spent most of our savings for that year on a rental home . The people next to us owned their house. They had a giant party, had dogs pooping near our rental grass, fire smoke blowing into our rental etc. There are poorly behaved "owners" as well.

We need to know we will have the same rights to rent our property as when we purchased the Land and paid the county fees for our permit, and did everything \$\$\$ (geotech etc) the county asked of us in land use diligence that slowed us down. It is the only way we can recoup what we have lost. Can we please insert a clause for people to obtain rental permit if they already owned land and building permit and have incurred the financial Burden to pursue their plan?

Can you please help us?

Thank you,
Lindsey Boccia
503.943.0480

Lynn Tone

From: Public Comments
Sent: Tuesday, May 16, 2023 10:03 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR Comments

From: Mark Roberts <mandm-roberts@comcast.net>
Sent: Tuesday, May 16, 2023 9:50 AM
To: Sarah Absher <sabsher@co.tillamook.or.us>; Lynn Tone <ltone@co.tillamook.or.us>; Public Comments <publiccomments@co.tillamook.or.us>
Cc: Jacki Hinton <hintonjacki56@gmail.com>; Babbitt Karen <wcgarden@gmail.com>
Subject: EXTERNAL: STR Comments

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

Sarah Absher, Director of Community Development
Commissioner Yamamoto
Commissioner Skaar
Commissioner Bell

Our coastal communities are NOT investment opportunities - they are ... or should be ... communities where people live, visit, and thrive.

Caps on the number or percentage of Short-Term Rentals (STRs) are an essential tool of 'balancing' property rights of STRs and the comparable (not inferior) rights of other property owners. (I bought my property 25-years ago with the knowledge that my neighbors would be full- or part-time members of the community - STRs are transient lodging services.) The Neahkahnie cap should be no greater than our adjacent municipality - Manzanita. Manzanita is a thriving community with a 17.5% STR cap.

Enforcement in meaningful and effective manner is essential. This includes a 24-hour complaint line managed by a third-party and signage on each permitted STR. Voluntary systems degrade to no system at all.

Bedrooms are how buildings were designed and permitted. "Sleeping areas" is a loose, easily manipulated term with no acknowledged meaning. This is a slippery slope for enforcement that the County ought to avoid.

Ownership should be clarified such that LLCs and other forms of corporate ownership are held to the same standards and expectations as any individual owner ... including when changes in ownership occur.

Permits are permits - NOT transferable to a purchaser of a property. Hopefully permits will be limited in number. As a limited resource, 'fairness' or 'equity' to new, other than the 'first-movers' that possess these permits currently, ought to be a consideration. Further, the practical effect is that 'purpose built' or 'purpose modified' structures, intended to capitalize and maximize on rental income, will be less likely.

Lastly, call me crazy ... or an economist, but I think the County is missing an important factor included in the original version of this Ordinance. That is, STR program participants ought to pay for the administration and enforcement of the program - NOT Tillamook County taxpayers. Manzanita recently conducted a fundamental 'cost of service analysis' of their STR program which yielded a near doubling of rates there. Sometimes "cost recovery" actually costs program participants more.

I appreciate the hard work that Community Development has put into this difficult and complex issue. I regret that 'lawyering up' and threats of intimidation have been part of this process.

Thank you

Mark Roberts

Lynn Tone

From: Public Comments
Sent: Monday, May 15, 2023 3:54 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR Advisory Committee

From: Lauren Brennan <lauren.ernhofer@gmail.com>
Sent: Monday, May 15, 2023 3:18 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STR Advisory Committee

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

Hello Advisory Committee Members,

My name is Lauren Brennan. My husband and I purchased a second home in Pacific City in November 2021. We live in Forest Grove and love spending our weekends with our four young children at the coast. When we bought the home, it was a fixer upper. We spent months ripping everything out and installing a new kitchen, new flooring, all new paint, replacing windows, restoring the deck, etc.. We put tens of thousands of dollars into the renovation to make it comfortable for our family and potential renters for years to come.

We completed renovations in September 2022. It was at this time that we realized there was a pause on STR permits. We were absolutely crushed. Even if we applied for a permit before July 1, it wouldn't have gotten approved because our home was gutted and in the middle of a renovation. So this beautiful home has been sitting empty for months with us not really knowing what to do. After contacting the county for help to potentially get grandfathered in to get a permit, we were denied again and again. This single decision of the county to pause all permits has affected my family in incredibly negative ways. We would have never purchased a property in Tillamook County had we known you would be pausing all short term rental permits. Please consider the families this decision has already affected. We are not a rich conglomerate. We are a small family who works hard to provide for their family who have taken a significant financial hit because of your decision to suspend these permits. Reinstate the permits immediately with no cap, especially in Pacific City where tourism is so prevalent and needed.

Respectfully,

Lauren Brennan

Comments to the Tillamook County Board of Commissioners

May 21, 2023

COMMENTS OF DONEG MCDONOUGH, PACIFIC CITY: CONSIDERATION OF PROPOSED CHANGES TO SHORT-TERM RENTAL RULES

Commissioner David Yamamoto
Commissioner Erin Skaar
Commissioner Mary Faith Bell
Tillamook County Board of Commissioners

Commissioners and County Staff,

My family and I have been taxpayers in Tillamook County for 12 years. We are in the process of constructing a new home in Pacific City. The County's short-term rental (STR) proposals, if enacted, would cause significant financial harm to my family, to our long-developed plans, and to the economy of Pacific City.

I encourage Commissioners to vote down any proposal that imposes a cap on the number of STR rentals. I say this not to create contention but to avoid unnecessary contention. There is an alternative option available to the Commissioners that would avoid disrupting a critical economic and social element of Pacific City and would in fact enhance it.

As you know, the staff proposal contains two components: (1) Establish an efficient and responsive enforcement program of livability rules as they apply to STRs and (2) cap STR permits.

I am recommending that the County establish an approach that implements these options sequentially, and not simultaneously. Data are not available to support taking such a drastic action as removing from the 75% of Pacific City homeowners who do not currently have an STR permit the certainty of being able to secure such a permit. The data that have been made available by the County support the STR Advisory Committee members' position that complaints involving STRs are limited, and a more functional enforcement infrastructure could proactively reduce the number of complaints as well as more satisfactorily resolve complaints when they do arise. And, **data recently compiled from Pacific City homeowners indicate that implementing a cap would be damaging to significant numbers of property owners.**

- When asked what impact on them and their family would occur if prevented from offering their home as an STR for one or more years, 71.4% of respondents stated this would have a "negative impact on them and their family." ¹

As deliberations by the STR Advisory Committee have demonstrated, if the County were to create scarcity in the availability of STR permits by capping the total number, the County would then be in need of taking a series of actions to remedy the negative consequences.

¹ "Survey of Property Owners in Kiwanda Shores Re: Potential Changes to Tillamook County's Short-term Rental (STR) Rules," Kiwanda Shores Maintenance Association, May 18, 2023, p 18.

- The County's initial draft proposed to lock-in current permit holders for five years, and then make them subject to the permit caps (and one-year STR permits) along with everyone else, which would have resulted in homeowners cycling on and off the STR program every year or so.
- To address the dysfunction this would create for current STR holders, the County opted to lock-out for an indefinite period of time homeowners who are not current STR permit holders.
 - To address the drop in income and property values for homeowners who are locked-out, presumably those locked-out would then have to petition or sue the County for financial compensation.
- And then to address the drop in property values for current STR permit holders who intend to sell their homes (and whose STR permit would expire on sale), a provision was added to enable new buyers of these properties to secure STR permits, without regard to the caps and ahead of existing County homeowners!
- Then in an attempt to compensate for creating the scarcity in STR permits, a provision was added to force current STR permit holders to give up their permits if not actively renting for a period of time. In order to hold on to their STR permits, these homeowners would have to increase the amount of rental activity beyond what they might otherwise intend to do.
 - In response to the potential consequences of this policy – whereby *more* rental activity is required than would have otherwise taken place under the issued STR permits – we can anticipate the County feeling pressure from a few to further lower the number of available STR permits.
 - Then, to impede STR permit holders from renting to relatives at a nominal rate in order to satisfy minimum rental night rules, the County might begin to regulate rental rates, such as requiring rentals to charge no-less-than the “market rate”.

Creating scarcity in STR permits, and then attempting to implement numerous measures to counter the negative consequences, is unnecessary at this time. The County has a workable alternative available to it:

- **Establish an efficient and responsive enforcement program of livability rules as they apply to STRs, including removing repeat violators from the STR program; and**
- **If data are compiled that indicate that significant numbers of livability problems are occurring post implementation of a functional complaint mitigation program, then consider imposition of STR permit caps.**

Thank you for your consideration of this testimony.

Doneg McDonough
Pacific City

May 20, 2022

Dear Board of County Commissioners,

I have submitted previous comments and participated regularly in the meetings and public input opportunities of the STR Advisory Committee. Unfortunately, the severely negative ramifications of permit caps on one particular group of Tillamook County taxpayers – existing landowners with houses currently under development – has yet to be addressed by the draft.

While I applaud the progress made by the STR Advisory Committee to recommend strengthened and clarified enforcement, I am opposed to any system of caps. Sadly, the County appears ready to impose a system of caps that will perpetuate the current reality created by last July's moratorium on new STR permits, which is a bifurcated economy of permit haves and permit have-nots. By doing so, the County will significantly distort property values, reduce competition for short-term lodging of all varieties, and drive down both tax receipts and the economic engine that comes from STRs – all without having undertaken any legitimate analysis of the economic ramifications of the draft ordinance.

Existing permit holders are proposed to be able to keep and even transfer their STR permits to new owners, and I don't begrudge them that. But the concerns of those who have been paying Tillamook County taxes for years and are actually creating jobs and income for local businesses by investing millions of dollars in new home construction, have been raised and then ignored from the very beginning of this process. We have planned and invested in our retirement home with the expectation that we would be able to rent it to defray some of our costs, just like all the existing permit holders.

If adopted as is, the draft ordinance and any parallel regulation mandating caps will undeniably damage the economic interests of everyone currently building a home with the expectation that it could sometimes be used as an STR. The draft ordinance proposes to give the fraction of us who will have a Certificate of Occupancy by the time that permit applications re-open in July 2023 "a chance" (but far from certain) to acquire an STR permit. This is by no means adequate compensation for a property right that we reasonably relied upon, and which the County is now poised to remove by fiat.

I urge you not to implement any system of caps, but that seems at this point a foregone conclusion. So failing that, I am appealing to you, once again, to consider the financial damage that the current draft would cause to your fellow taxpayers with properties currently under development. It would be easy to avoid those damages by **allowing anyone with an active building permit the option to acquire an STR permit (with the full rights of all existing permits) without going through a lottery or the potentially years-long waiting list.** Not everyone currently building will want one, but certainly they are as entitled to them as anyone who has secured an STR permit in the past – and far more entitled to them than the future non-local buyers, who will be able to secure one simply by buying an already built-and-permitted home, as proposed in the current draft.

I also propose that you **add these active building permit holders to the “base” number of allowed STR permits in each area.** Doing so would significantly reduce the frenzy (caused solely by the County’s own actions) that occurred when the STR permitting process was initially shut down, and which will predictably recur each time the STR permitting window is briefly re-opened.

Sincerely,

Zan Northrip
Pacific City

P.S. While it is depressing to need to add this – no, it would not protect my interests to rent out our home long term. We intend to use it frequently in the next several years, and permanently in the long run. If we were to rent it out on a long-term basis, it would not cover the mortgage (by a long shot), and we would need to rent someone else’s house for every visit between now and when we can become full-time residents. It would make no sense. The fact that I need to address this point underscores how useful it would have been for the County to have carried out some economic impact analysis during the preparation of the draft. I again ask that the Commissioners not act to impose caps, particularly on the basis of ungrounded assumptions and in the absence of market data.

May 19, 2023

Tillamook County Commissioners and STR Committee:

The Kiwanda Shores Maintenance Association (KSMA) sent a survey to Kiwanda Shores (KS) owners on May 7, 2023 regarding short-term rentals (STRs). We received 102 non-duplicated responses from this 1-week survey, which was a 61% response rate. This large response surprised us, as it was the first time we had reached out to our owners electronically.

The survey responses were fairly evenly distributed between STR permit holders (56.6%) and those without (43.4%). We learned that super-majorities of KS respondents hold similar opinions on virtually every topic considered. We designed the survey to allow for comments on most of the questions, which provided for a clear expression of homeowners' perspectives and situations.

- 88.9% of KS property owners believe "It is important to have the right to offer your home as an STR, either now or in the future."
- 77.3% indicated that "When you bought/built your home, the ability to rent it in the future was a factor in your decision."
- Nearly 88% believe that "STRs contribute to the local economy", and 72.7% believe that "STRs make living in Pacific City more affordable/possible."
- When asked what impact on them and their family would occur if prevented from offering their home as an STR for one or more years, 71.4% of respondents stated this would have a "negative impact on them and their family".
- 17.2% of respondents did indicate that they had "had negative experiences with short-term renters," with 13.5% of respondents indicating that they had had a complaint that was not resolved satisfactorily.

The survey respondents' narrative comments – also included in the attached report – provide rich context to the answers given to the multiple-choice questions and indicate a diversity of circumstances of Kiwanda Shores owners.

We encourage and appreciate the consideration of these findings by the Tillamook County Board of Commissioners as you review options for revising the County's STR policies.

Sincerely,

Susan Caney-Peterson
President, Kiwanda Shores Maintenance Association

Survey of Property Owners in Kiwanda Shores

**Re: Potential Changes to Tillamook County's
Short-term Rental (STR) Rules**

Kiwanda Shores Maintenance Association (KSMA)

May 18, 2023



Contents

- [Introduction to Survey](#)
- [Survey Background](#)
- [Survey Questions and Responses](#)
 - Q1. Do you own property in Kiwanda Shores?
 - Q2. Do you currently have an STR permit for a home(s) in Kiwanda Shores?
 - Q3. Have you ever offered your home as a Short-term Rental (STR) or anticipate you might in the future?
 - Q4. Is it important to have the right to offer your home as an STR, either now or in the future?
 - Q5. When you bought/built your home, was the ability to rent it in the future a factor in your decision?
 - Q6. Do you strongly agree with the following perceptions of STRs in Kiwanda Shores?
 - Q7. In the past year, have you had negative experiences with short-term renters visiting Kiwanda Shores?
 - Q8. Were the nuisances you may have experienced with STRs resolved satisfactorily?
 - Q9. In the past year, have you received complaints from others about your STR renters?
 - Q10. Should some portion of current rental fees go towards additional enforcement (of existing and new rules) by the County?
 - Q11. Which approach would you prefer the County to take (on STR rules)?
 - Q12. Should the number of active STR permits in Pacific City be capped annually?
 - Q13. Do you support the County establishing “sub-areas” such as Kiwanda Shores with differing percentage limits on the number of STR permits each year?
 - Q14. What impact would preventing you from offering your home as a short-term rental for one or more years have an impact on you and/or your family?
 - Q15. If the County imposes an annual limit on the number of STR permits allowed and places on a waiting list those applicants above the cap, please check all options with which you agree.
 - Q16. As an alternative to capping the number of STR permits issued annually, if the County were to implement STR restrictions, would a limit on the number of STR *rental nights* per permit be preferred to a cap on the number of STR permits?
- [Addendum to the KSMA STR Survey](#)
 - Respondent comments for questions that allowed comments



Introduction to Survey

Kiwanda Shores homeowners received an email with the following introduction, before beginning the survey. All responses were anonymous unless a homeowner chose to provide their contact information.

- The Tillamook County Board of Commissioners is considering changes to the short-term rental (STR) rules that apply to Pacific City, including Kiwanda Shores, and other unincorporated areas of Tillamook County. The potential changes to STR rules under consideration have two components:
 - The first component is designed to address livability issues associated with STRs; and
 - The second component would cap the number of STR permits allowed annually.
- The STR rule changes under consideration could have a significant impact on Kiwanda Shores property owners' ability to continue or begin to rent their home on a short-term basis.
 - *In addition to establishing "area" caps (such as for Pacific City), the County is considering establishing caps by "sub-areas" such as Kiwanda Shores with differing percentage limits on the number of STR permits each year.*
 - At present, approximately 25% of homes in Pacific City have STR permits, and approximately 47% of homes in Kiwanda Shores have STR permits.
- In June of 2022, the County Board of Commissioners imposed a one-year moratorium on the issuance of new STR permits. Under the moratorium, existing STR permit holders are allowed to continue to rent.
- The Tillamook County Board of Commissioners have announced that it is their intention to (1) conduct two hearings in May and June 2023, on the pending changes to STR rules; and (2) vote on the pending STR rules prior to the July 1, end of the current moratorium on the issuance of new STR permits.
- The Kiwanda Shores board of directors is conducting this survey of Kiwanda Shores owners to:
 - Help inform Kiwanda Shores owners of changes under consideration;
 - Understand the needs and thinking of Kiwanda Shores owners on these potential changes to STR rules; and
 - Communicate results of the survey to County officials, as appropriate.



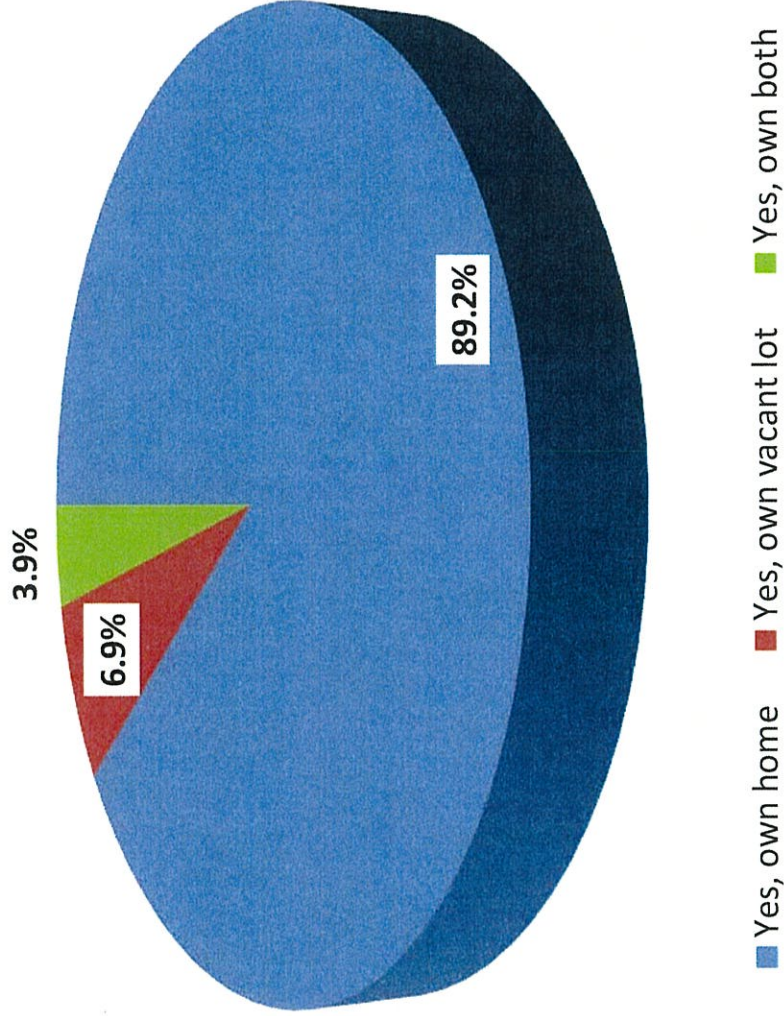
Survey Background

- The survey was sent to Kiwanda Shores (KS) owners on May 7, 2023. Not every owner has provided their email address but almost all have.
- The survey was conducted via Survey Monkey and was the first attempt to reach out electronically to property owners.
- We received a total of 102 non-duplicated responses from this 1-week survey.
 - This is a 61% response rate when compared to the total number of property owners in KS.
 - There are a total of 178 properties in KS (152 homes; 26 vacant lots).
 - 12 owners have more than one property but had one voice on the survey.
- The survey responses were fairly evenly distributed between STR permit holders (56.6%) and those without (43.4%).
 - This compares to our own internal count of 47% STR permit holders overall, where % is calculated based on homes only, not including lots.
- We learned that super-majorities of KS respondents hold similar opinions on virtually every topic considered.
 - Where there was dissent, the comments allowed for a clear expression of homeowners' perspectives and situations.



Property Ownership in Kiwanda Shores

1. Do you own property in Kiwanda Shores?

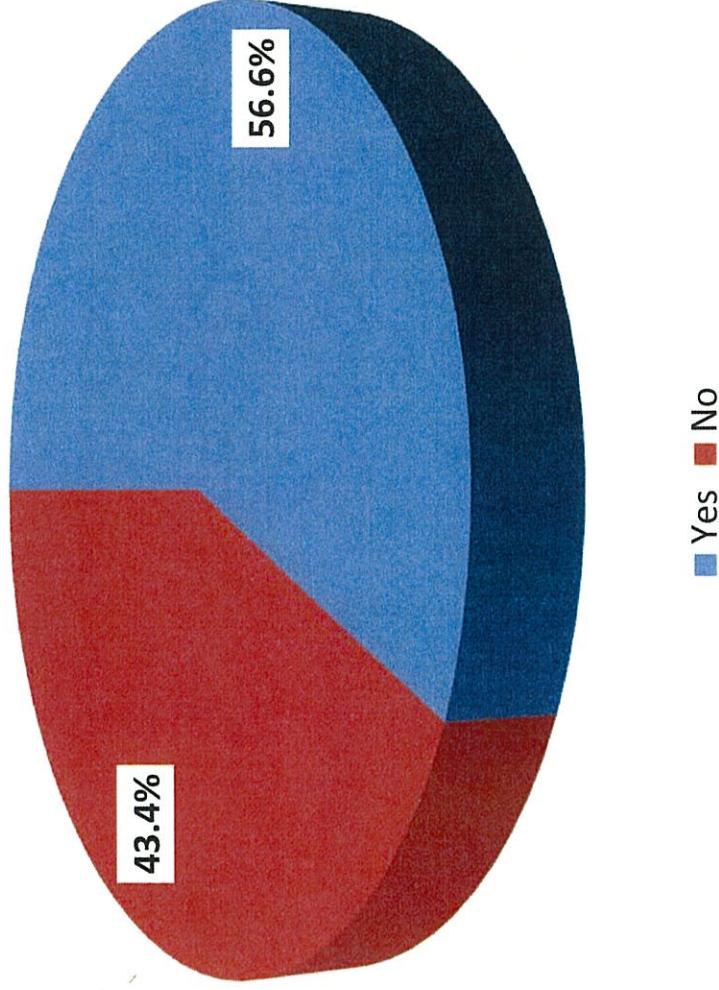


The survey was sent only to homeowners but if received in error, it asked them not to continue. One reply per property was allowed. Kiwanda Shores has 178 properties (152 homes and 26 vacant lots). We received a total of 102 non-duplicated responses from this 1-week survey. This is a 61% response rate when compared to the total number of non-duplicated property owners (166) in Kiwanda Shores.



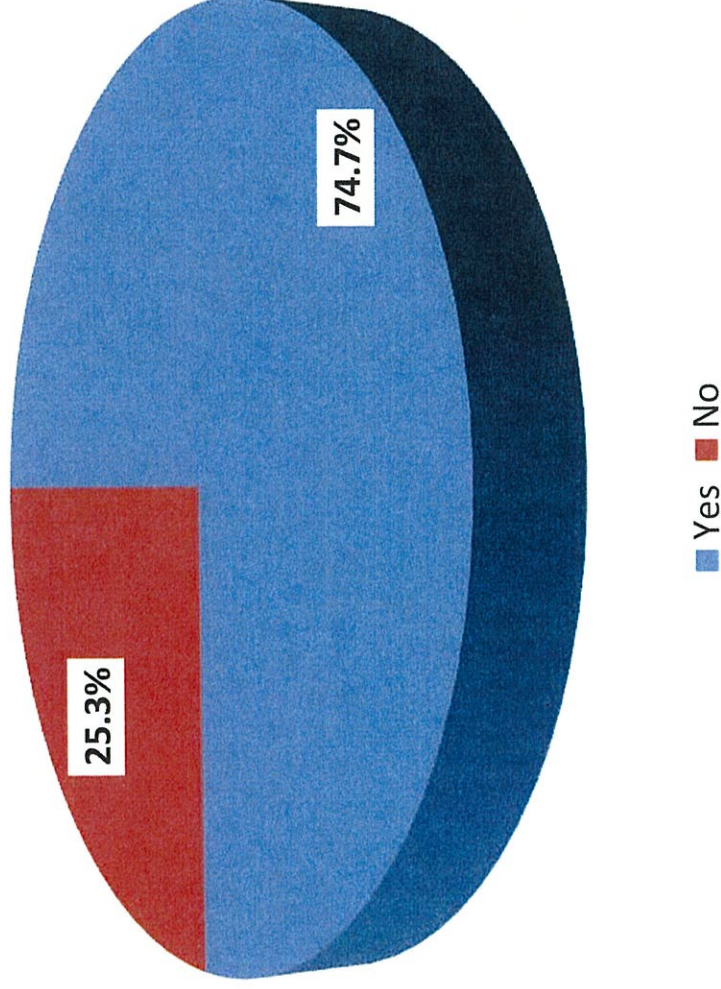
Current STR Permit Holders in Kiwanda Shores

2. Do you currently have an STR permit for a home(s) in Kiwanda Shores?



Offers of/Plans to Offer Short-Term Rentals (STRs)

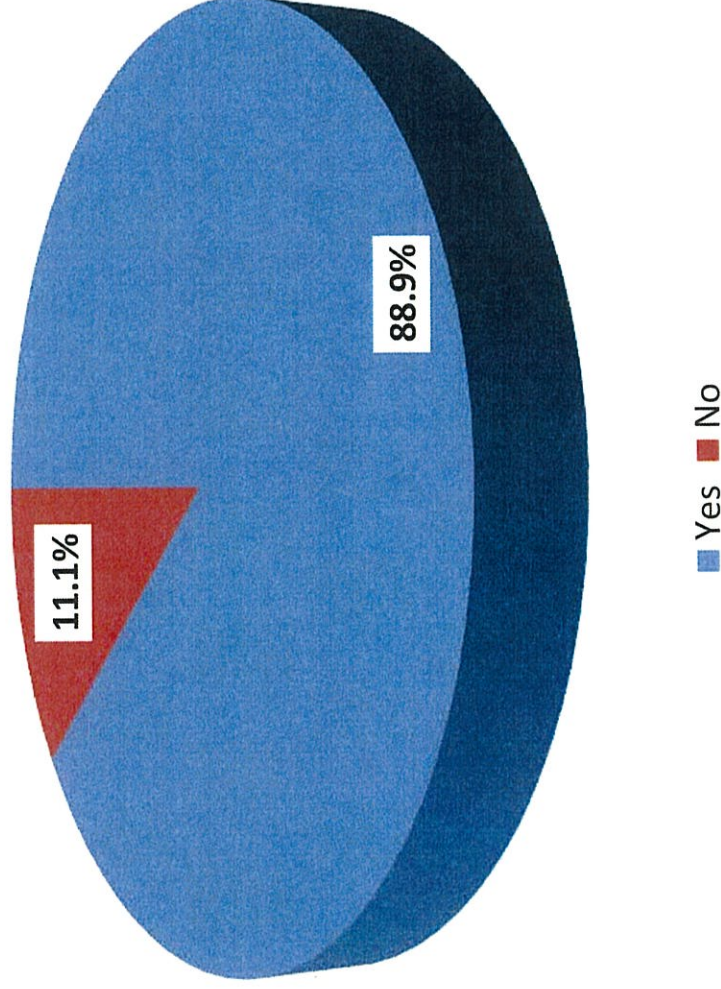
3. Have you ever offered your home as a Short-Term Rental (STR) or anticipate you might in the future?



With 56% holding an STR permit, the 18% difference here (74.7% here minus the 56.6% in previous slide) represents owners who either rented in the past and/or would like to in the future. Comments from respondents to this question are [found here](#).

Importance of Right to Offer Home as an STR

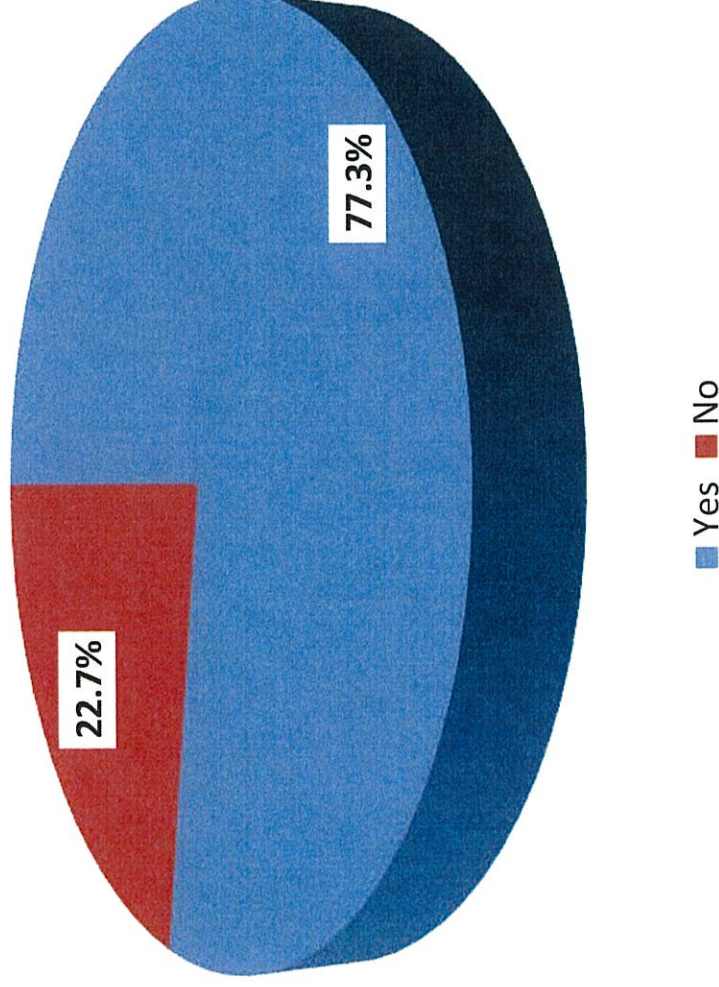
4. Is it important to have the right to offer your home as an STR, either now or in the future?



Comments from respondents to this question are [found here](#).

Impact of Ability to Rent Home in Future on Decision to Buy/Build Home

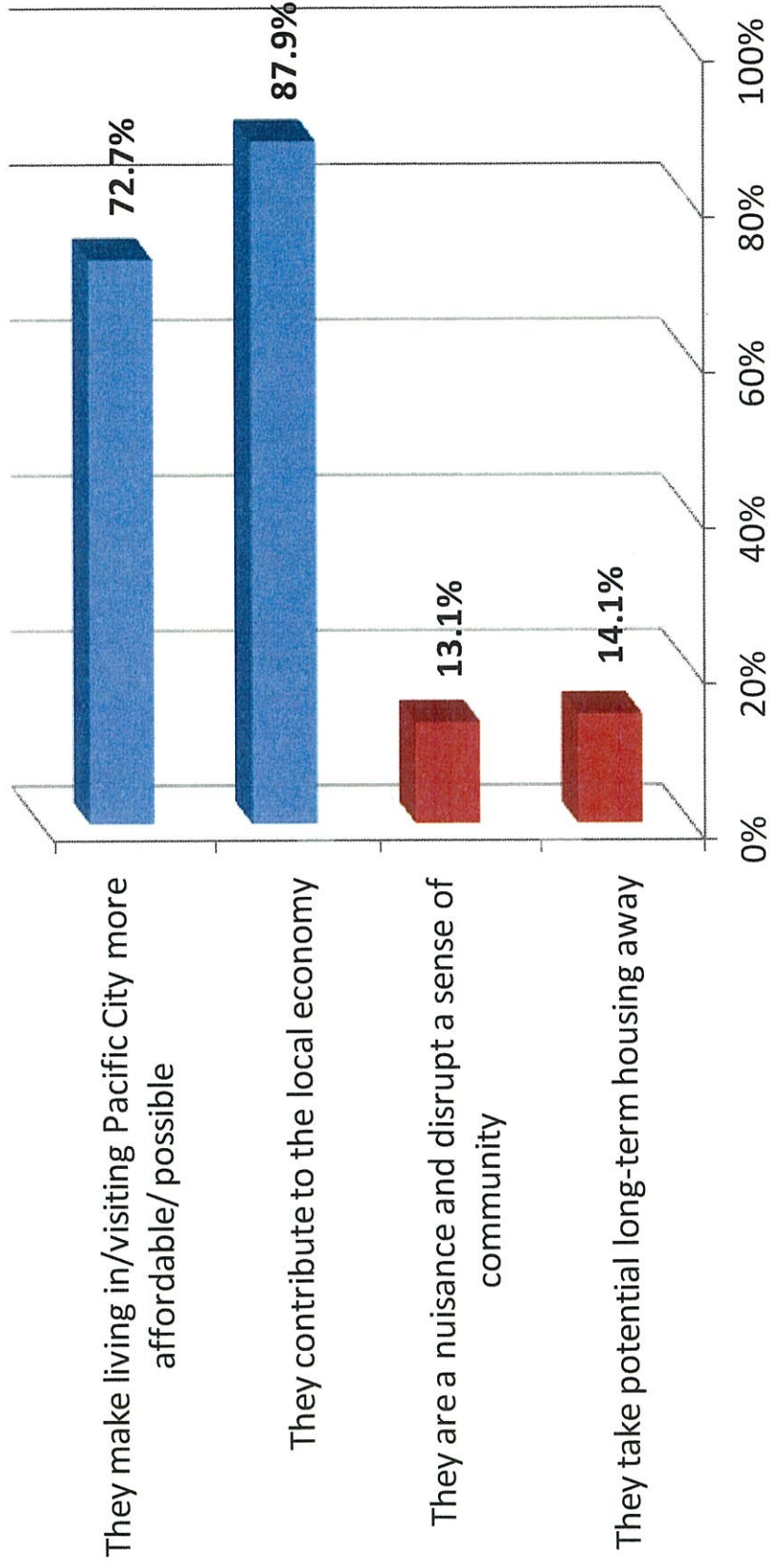
5. When you bought/built your home, was the ability to rent it in the future a factor in your decision?



Comments from respondents to this question are [found here](#).

Perceptions of STRs in Kiwanda Shores

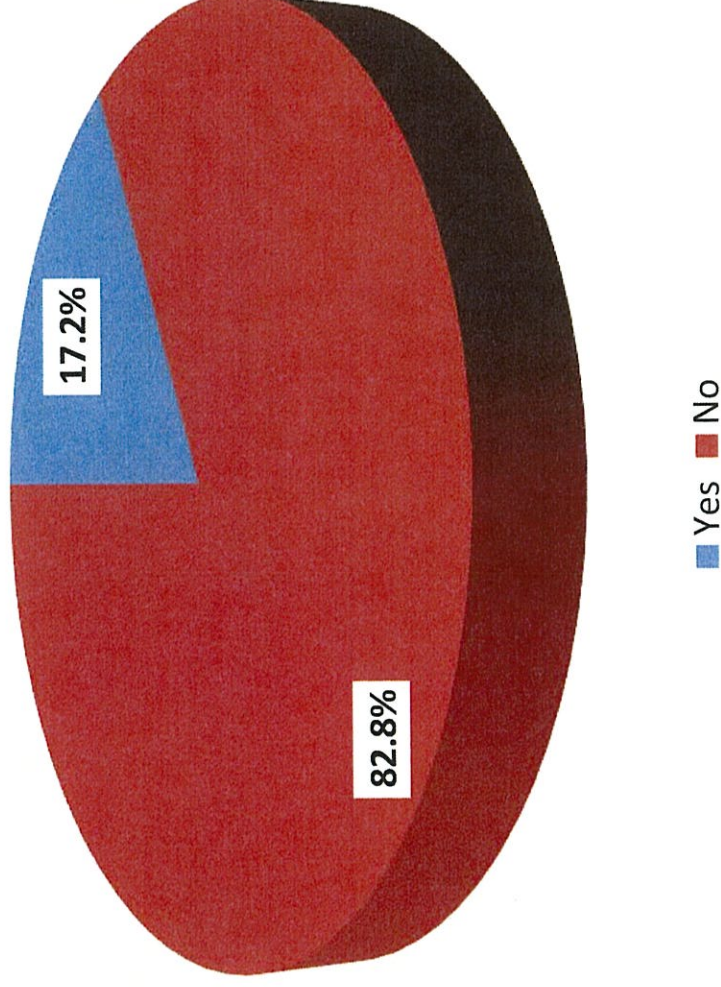
6. Do you strongly agree with the following perceptions of STRs in Kiwanda Shores? Please check all that apply.



Comments from respondents to this question are [found here](#).

Recent Negative Experiences with Renters Visiting Kiwanda Shores

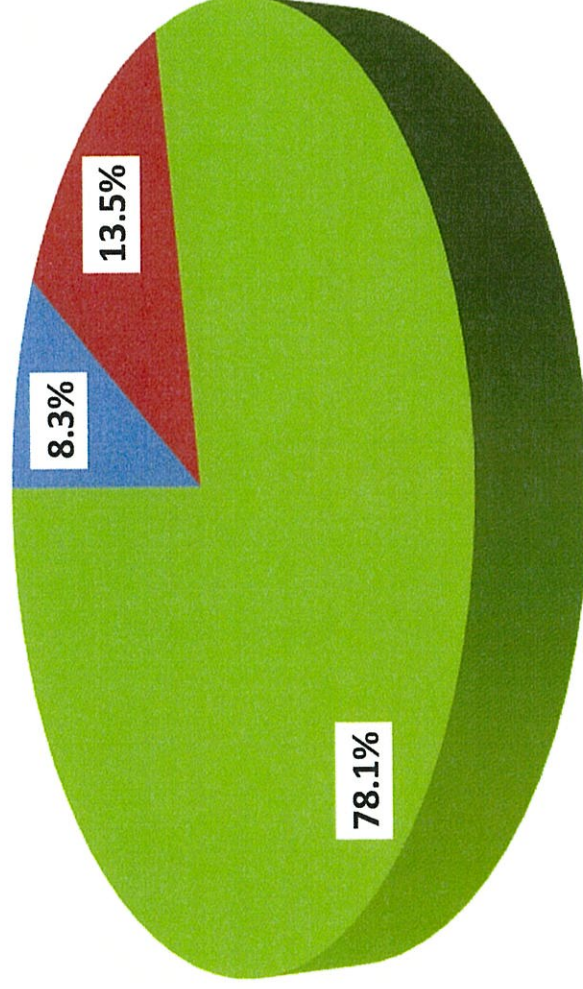
7. In the past year, have you had negative experiences with short-term renters visiting Kiwanda Shores?



Comments from respondents to this question are [found here](#).

Resolution of Nuisances Experienced with STRs

8. Were the nuisances you may have experienced with STRs resolved satisfactorily?



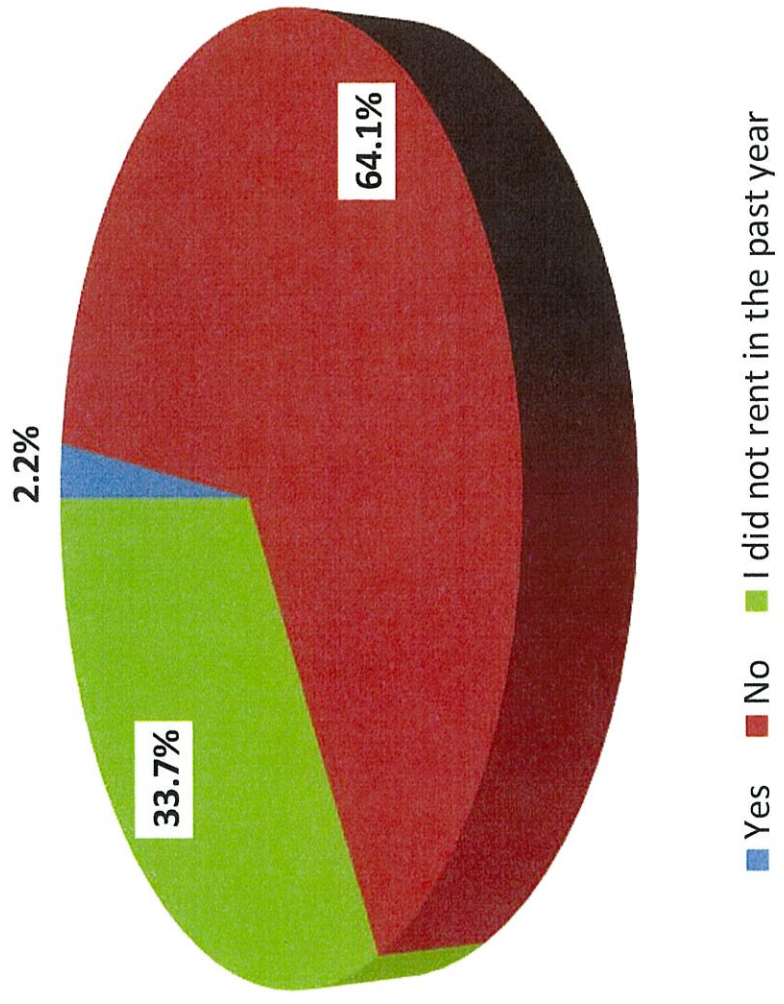
■ Yes, resolved ■ No, not resolved ■ Had no recent negative experiences with STRs



Comments from respondents to this question are [found here](#).

Complaints from Others About STR Renters

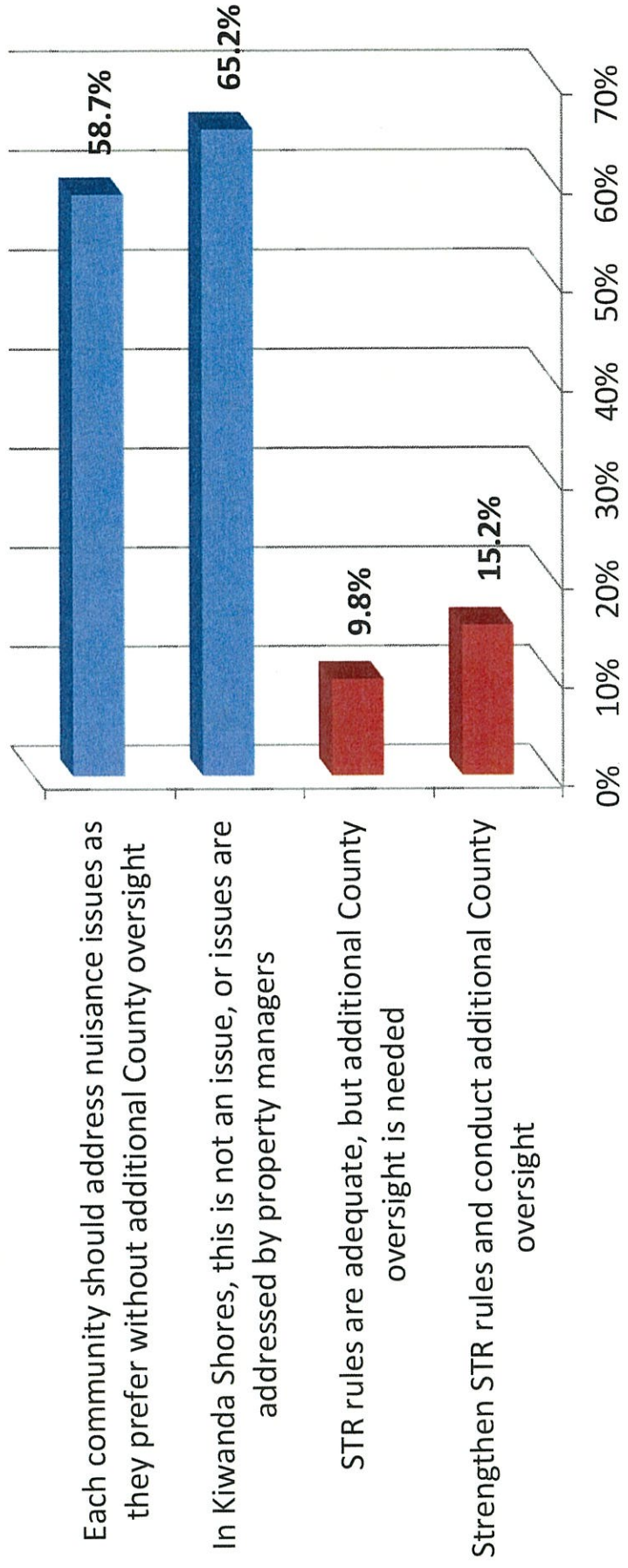
9. In the past year, have you received complaints (noise, parking, lighting, fires, trash, etc.) from others about your STR renters?



Comments from respondents to this question are [found here](#).

Use of Rental Fees for Additional Enforcement to Address Livability Issues Involving STRs

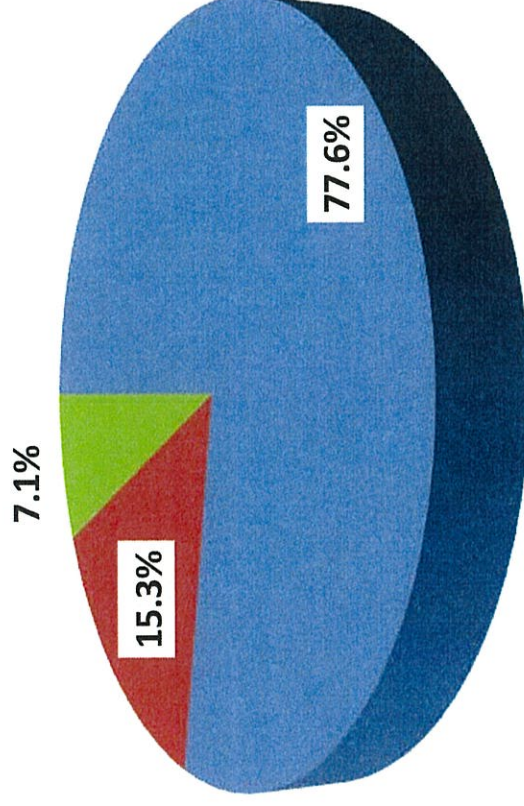
10. Should some portion of current rental fees go towards additional enforcement (of existing and new rules) by the County to address livability issues involving STRs? Please check all that apply.



Comments from respondents to this question are [found here](#).

County Approach on STR Rules

11. Which approach would you prefer the County to take (on STR rules)?



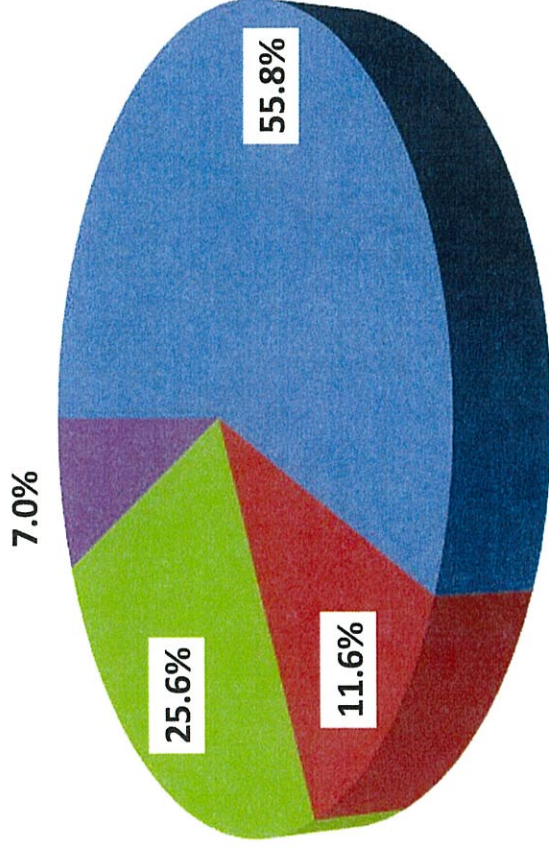
- Better enforce STR rules for livability now and wait to see if a cap on number of permits is needed
- Implement caps on STR permits now
- Better enforce STR rules AND implement caps on STR permits now



Comments from respondents to this question are [found here](#).

Cap on Annual STR Permits in Pacific City

12. Should the number of active STR permits in Pacific City be capped annually?



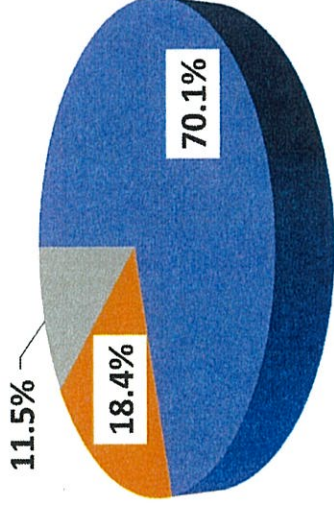
- There should be no limit on the number of short-term rentals in Pacific City
- The cap for Pacific City should be set at much higher than current levels
- The cap for Pacific City should be set at or near current levels (approximately 25% in Pacific City)
- The number of short-term rentals in Pacific City should be reduced



Comments from respondents to this question are [found here](#).

Establishment of “Sub-Areas” with Differing Limits on Annual STR Permits

13. The County is considering establishing “sub-areas” such as Kiwanda Shores with differing percentage limits on the number of STR permits each year. Do you support the County establishing:



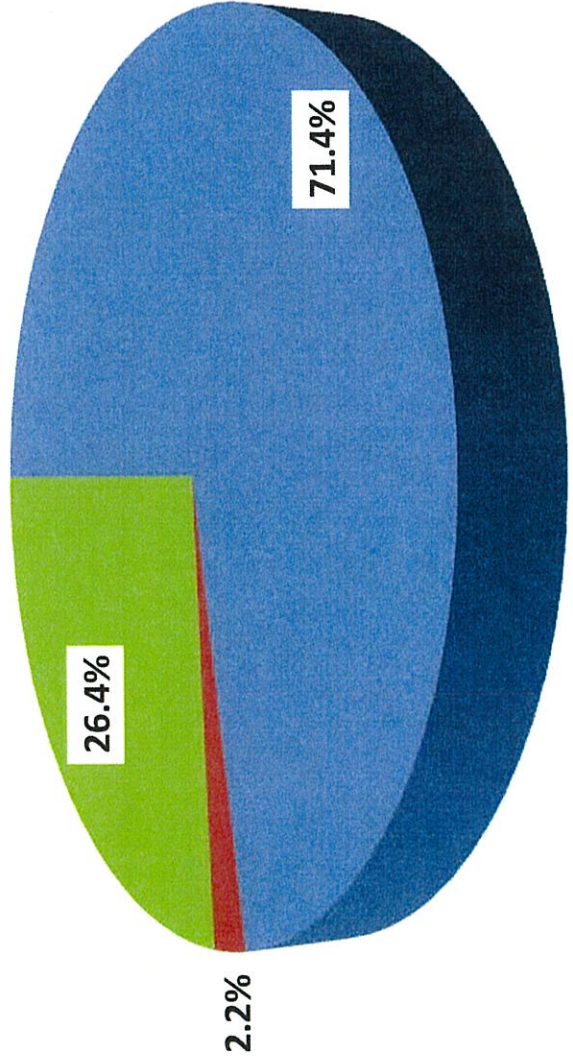
- No cap (i.e., no limit) on the number of STR permits allowed for Kiwanda Shores owners each year
- An STR permit cap for Kiwanda Shores equal to current Kiwanda Shores STR permit levels (~47%)
- An STR permit cap for Kiwanda Shores equal to the current Pacific City STR permit levels (~25%)



Comments from respondents to this question are [found here](#).

Impact of Inability to Rent Home as an STR

14. What impact would preventing you from offering your home as an STR for one or more years have on you and/or your family?



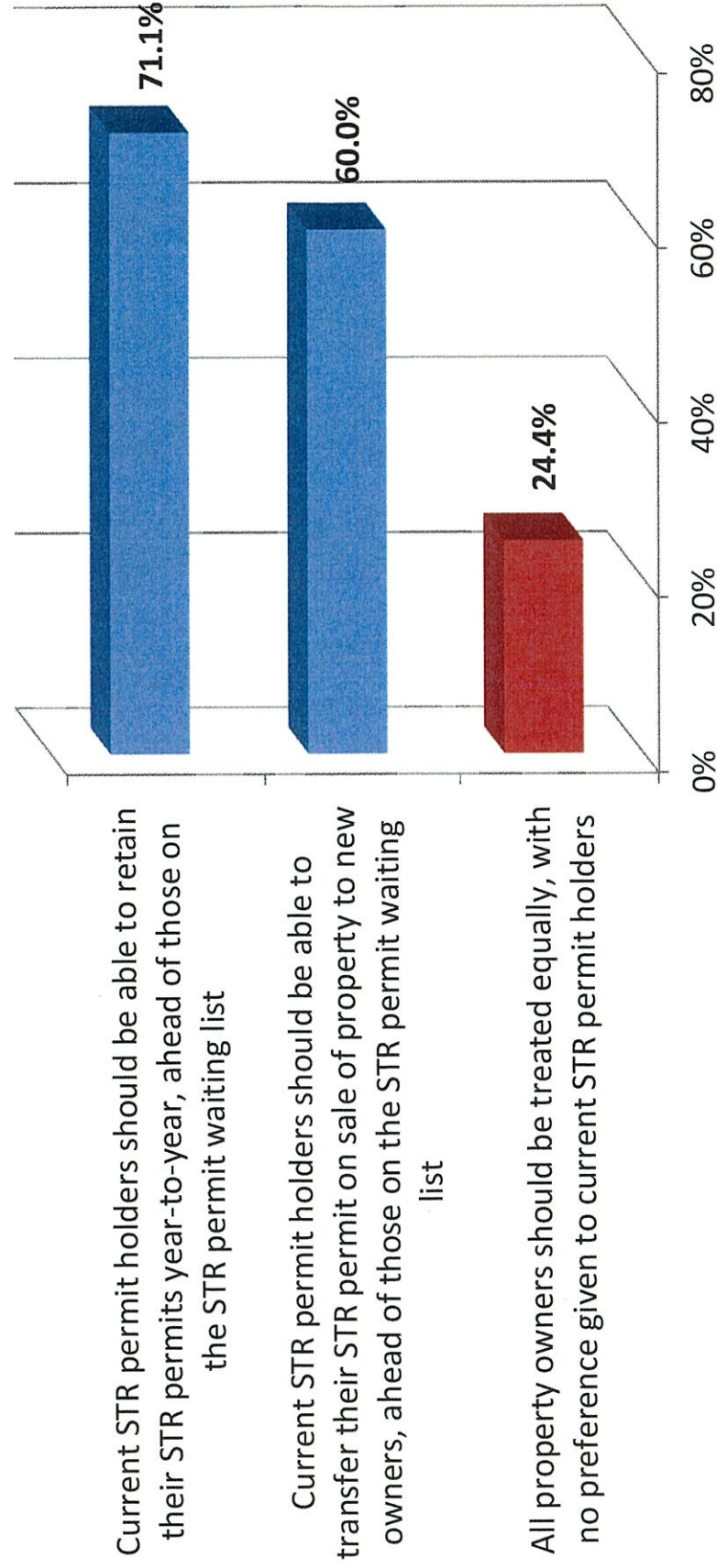
- Negative impact on you and your family
- Positive impact on you and your family
- No impact on you and your family



Comments from respondents to this question are [found here](#).

Treatment of Property Owners Under Cap on Annual STR Permits

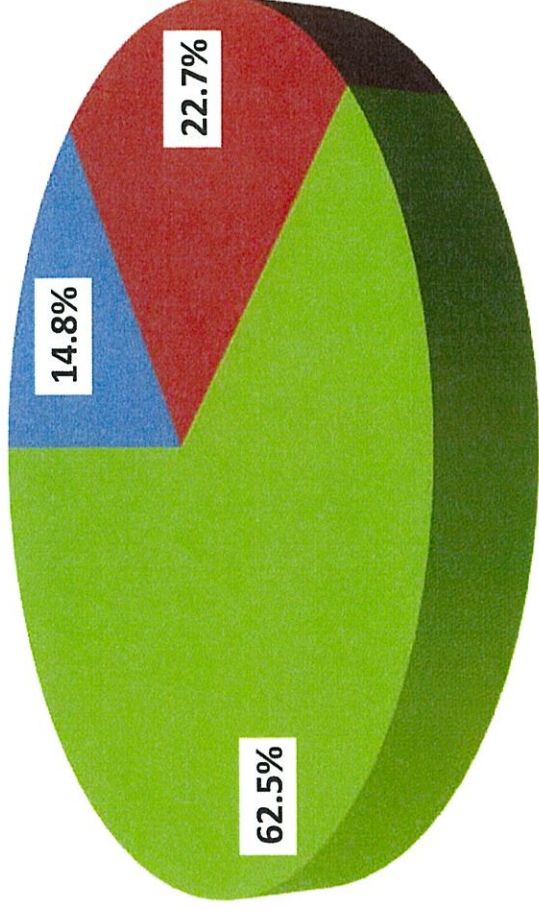
15. If the County imposes an annual limit on the number of STR permits allowed and places on a waiting list applicants who exceed the cap, please check all options with which you agree.



Comments from respondents to this question are [found here](#).

Limit on STR Rental Nights per STR Permit as Alternative to Cap on Annual Permits

16. As an alternative to capping the number of annual STR permits, would a limit on the number of STR rental nights per permit be preferred?



■ Yes ■ No ■ I do not support restrictions on number of STR rentals or number of STR rental nights



Comments from respondents to this question are [found here](#).

Addendum to the KSMA STR Survey

- Where the survey allowed for additional comments, they are enclosed here along with a snapshot of the question and results data.
- Not all questions allowed for comments.

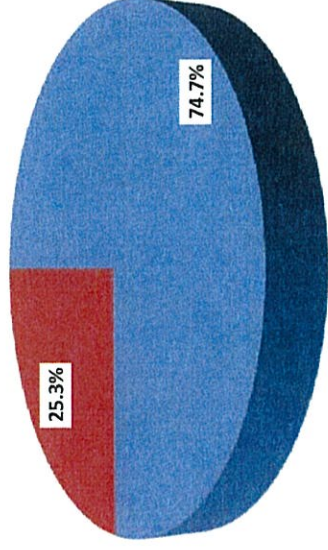


Comments on STR history and/or plans

Q3. Have you ever offered your home as a Short-Term Rental (STR) or anticipate you might in the future?

- Currently we do not; however, in the future we would like the option.
- We built our home as a future full-time retirement home with the intention of renting it as a short-term rental until we retire. Since the home was finished in 2016, it's been rented out approximately 100 nights per year.
- We bought it as an STR in 2019 and did an extensive remodel.
- Might build a rental unit in near future.
- Two homes.
- We consider our house our 2nd home and rent it out when we're not there.
- We purchased our home approximately 8 years ago and have been operating as a short-term rental the entire time.
- Not currently, but would like to in the future.
- I'm hoping to be able to rent my home STR.
- Hoping to get a permit this summer.

3. Have you ever offered your home as a Short-Term Rental (STR) or anticipate you might in the future?



Comments on STR history and/or plans, cont.

Q3. *Have you ever offered your home as a Short-Term Rental (STR) or anticipate you might in the future? (comments continued)*

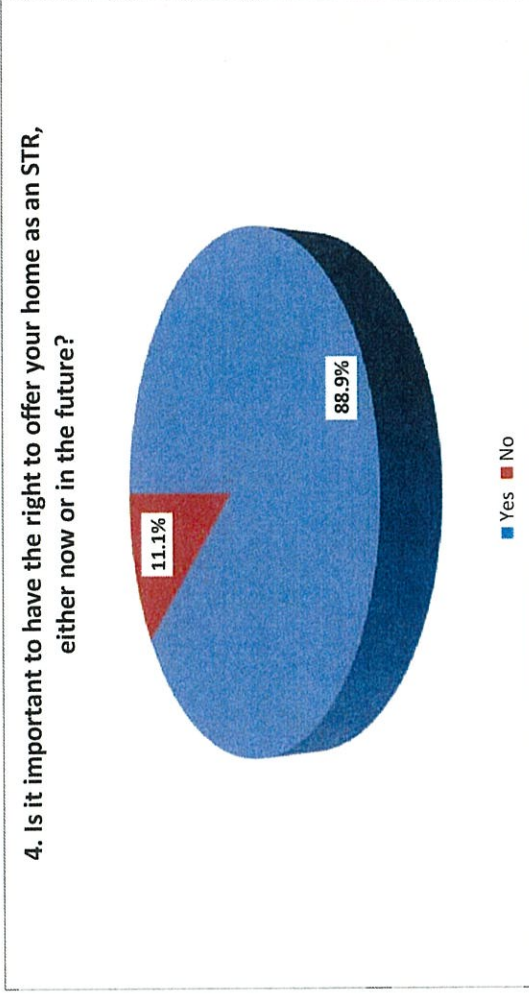
- We use it approximately 30 nights throughout the year and rent it out the balance.
- While we don't anticipate renting in the near future, if we can no longer afford it or our kids inherit it, that would be a good option then.
- We purchased our property in 2018 with the intention of renting in the future. The house was in complete disrepair and we have spent years and hundreds of thousands of dollars fixing it to make it comfortable for our family and friends as well as setting it up as a STR once all repairs are complete.
- I offer short-term rentals through Airbnb at our property.
- We had a rental permit for many years but no longer rent out for STR.
- We have rented our home for 32 years without complaints. We could not afford to keep up the cost of maintenance on an ocean front home unless we rented. We put most of our earnings back into the home.
- Purchased in 2020, transferred rental permit to our name.
- We purchased a home in 2016 as a 2nd home and rental property.
- My ability to short-term rent my home is essential to my ability to own my home there. Without that right I would be financially unable to keep my home.
- We intend to rent our home as a short-term rental once constructed, if the County doesn't rip-away our ability to rent our home as an STR.
- For all the 25 years we have owned it.
- I would like to offer my home for STR.
- Intent for future long-term rental.
- We stopped renting it about 5 years ago.
- I have not rented my home as a STR, but I anticipate I might want to in the future.
- Yes, we have a management company that cooperates with Airbnb for vacation rentals but also use the home for personal use.



Comments on right to rent, now or future

Q4. *Is it important to have the right to offer your home as an STR, either now or in the future?*

- We wouldn't be able to keep our home there if we weren't able to rent it when our family wasn't using it.
- As noted, we may need to either to cover costs at some point or for our kids to have the option to rent after they inherit.
- The only way we can justify the expense of the home and repairs is being able to rent it out in the future.
- My ability to short-term rent my home is essential to my ability to own my home there. Without that right I would be financially unable to keep my home.



- Offering STRs are crucial to our business model. We can't afford to have a second home without this income. Many guests enjoy our home and we've never had any complaints from neighbors. We pay short-term rental taxes, which provide additional revenue for the local economy. We've created a local job by employing a cleaner. The rental also helps bring tourists to the coast, and they support local businesses. STRs are vital to a strong economy at the coast in many ways.



Comments on right to rent, now or future, cont.

Q4. *Is it important to have the right to offer your home as an STR, either now or in the future? (comments continued)*

- We wouldn't be able to keep our home there if we weren't able to rent it when our family wasn't using it.
- As noted, we may need to either to cover costs at some point or for our kids to have the option to rent after they inherit.
- The only way we can justify the expense of the home and repairs is being able to rent it out in the future.
- My ability to short-term rent my home is essential to my ability to own my home there. Without that right I would be financially unable to keep my home.
- STR brings tourist traffic to Pacific City. I think we need to offer this more.
- We are 100% dependent on the income our home provides as a STR to afford our home.
- I agree, but I also agree that it is okay to limit STR usage, especially the total number of nights per year rented and the number of people allowed in a STR.
- Absolutely need to generate rental income, which is one of the reasons we made major remodel upgrades.
- We have an oceanfront home, and even though we don't currently rent, would like the option and it is also a great selling point for our home.
- I feel that STRs have not been beneficial to Kiwanda Shores community. STRs may have been beneficial to individuals. I am enjoying my home even less over the past 7 years due to the STR next door with excessive parking, parking on roadways, blowing trash and noise. When I have attempted to speak with offenders, there has usually an unsatisfactory response. The rental agency changes at least once a year, and I have never been notified of changes. In January, when I called the number listed to report an issue, the person answering the call denied that they had any stake with the KSMA property. I still catch renters cutting through my property. Bottom line, I feel very uncomfortable in my own home.



Comments on right to rent, now or future, cont.

Q4. *Is it important to have the right to offer your home as an STR, either now or in the future? (comments continued)*

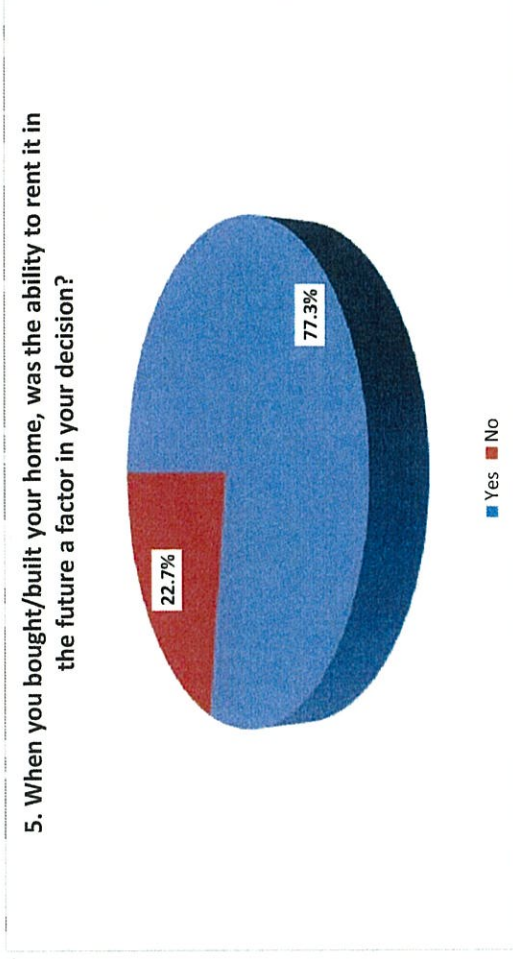
- I would have to sell it if I did not rent. Rental proceeds help me keep it up for both renters (many of them return regularly) and my family. Ocean front homes require lots of upkeep and replacement costs.
- Yes, our family relies on this income to pay for routine expenses. We could not afford a second home in Pacific City without the income. I serve as the part-time pastor to Nestucca Valley Presbyterian. I wouldn't be able to afford my home without the ability to rent.
- Having the ability to rent our home periodically as an STR is critical to our financing and maintenance of our second home.
- I would like future generations/owners to have the option.



Comments on renting as buying factor

Q5. *When you bought/built your home, was the ability to rent it in the future a factor in your decision?*

- The person who pointed us to buying in Pacific City urged us to make the investment (decades ago) and said, if we couldn't swing it in the future, we could always rent it.
- A second home is very costly. We need to be able to rent it out in order to compensate for the expense.
- We bought our home from someone who used it as a second home. An empty house didn't help the local economy in any way.
- We wouldn't have purchased the home if we weren't able to rent it.
- The sole reason for our purchase.



- Having the right to rent was a factor, but now that I understand the negative impacts in the local citizens where vacationers negatively impact their community and the rapid loss of affordable housing, I am more sympathetic to the locals' plight. The locals do not have the resources and influence to the wealthier second home homeowners.



Comments on renting as buying factor, cont.

Q5. *Is it important to have the right to offer your home as an STR, either now or in the future? (comments continued)*

- Originally we planned on renting; however, we decided against it for the current timeframe.
- We would not have bought the house if we couldn't rent it as we could not afford it without rental income. We live in NE and are there 6-8 weeks a year and hope to retire there. If the number of permits is capped and taken away from me and the other renters, then our "livelihood" is being taken away. The value of our homes is already lower just from the risk of these efforts.
- It was one of the main reasons I purchased it.
- We bought it with the sole purpose of renting it out as a short term rental, and using it for our family's enjoyment when it was not rented.
- Financial necessity in order to keep the property.
- We have been visiting Pacific City since childhood and always wanted to have a place of our own here. We didn't buy it as an STR investment property.
- It's the primary reason we could afford it.
- I did not choose to rent in the end.
- We had no idea there might be restrictions in the future.
- Being able to rent it, and seeing the prior rental history, was a major factor in our purchase of the home.
- We would not be able to afford the maintenance costs if not for the ability to rent.
- Absolutely, 100% yes!
- We were unsure when we purchased whether we would offer STR or not. Once we purchased, we decided not to rent.
- I need to offer STR and would like to use the house. Otherwise, I cannot afford the mortgage.



Comments on renting as buying factor, cont.

Q5. *Is it important to have the right to offer your home as an STR, either now or in the future? (comments continued)*

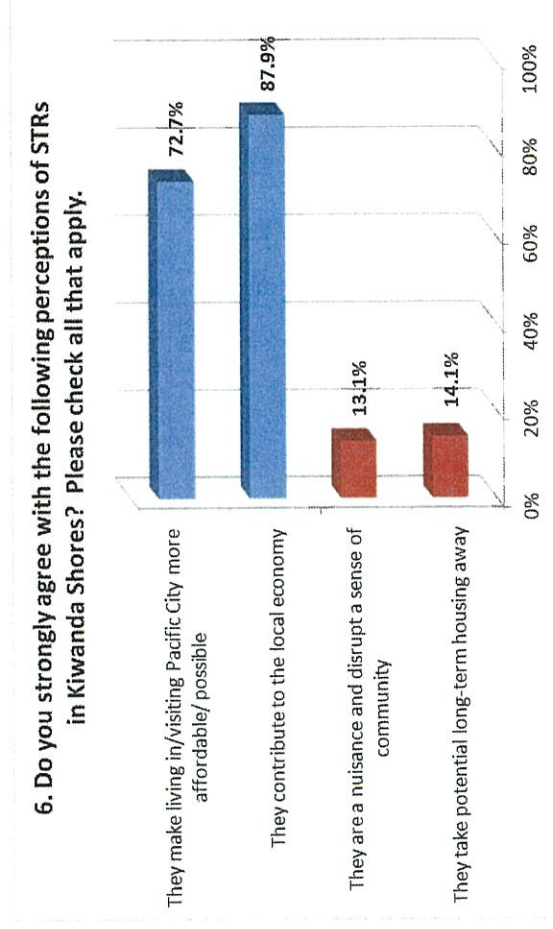
- When we bought it, we had no idea of the reality and frequency of upkeep on an ocean front home—such as sand redistribution, flooding, window replacement, deck replacement, roof replacement, appliance replacement, rust, garage door issues, sump pumps, paint, and regular upkeep.
- Bought in Kiwanda Shores instead of Cannon Beach due to ability for short-term rentals in Kiwanda Shores.
- 100%.
- Yes, it is/was always a factor. I would not buy without the property right rent out my home. It is one of the sticks in the bundle of sticks that make up real property ownership in the USA. Anything preventing me from doing so would be considered a 5th amendment taking.
- We purchased land in Kiwanda Shores 12 years ago, explicitly for the purpose of using it for our family, and, when we were not enjoying it ourselves, renting it to other families to enjoy. When we purchased the land, we believe we purchased the right to rent our future home as a long-term or short-term rental.
- We are native Oregonians who spent our life savings to fulfill our dreams of owning a home in Pacific City. While dependent on the STR income to afford it, we also take great pride in being able to share it with others, while respecting neighbors and honoring the community to keep the history and culture intact.
- I have owned my home since I built it in 2001, and since that time, it has only been used by family and friends. My children have grown up and moved out of state. I would like to use the house as a STR until they can start using it again.



Comments on perceptions of STRs

Q6. Do you strongly agree with the following perceptions of STRs in Kiwanda Shores? Please check all that apply. (Other responses appear below.)

- I think all of these are true for some and not others. I won't go so far as to say "nuisance," but they have definitely had an impact on the sense of community in Kiwanda Shores.
- We rent so we can own our beach home and its memories. We do not rent as a business venture.
- If STRs were taken away, they would be sold to someone looking for a second home, and an empty house does not benefit the community in any way. Crime would probably rise with empty homes and more unemployment from less tourism.



- Pacific City has blossomed in recent years and is continuing to grow thanks to tourism. Limiting or eliminating STRs will have a very negative impact on the businesses. For example, the newly re-envisioned complex with PC Candy store, apothecary, coffee shop, etc. is definitely designed for tourism ... how will these businesses survive without patrons? What will motivate other new businesses to come and enhance Pacific City if the number of renters and visitors becomes limited?



Comments on perceptions of STRs, cont.

Q6. *Do you strongly agree with the following perceptions of STRs in Kiwanda Shores? (comments continued)*

- I talk with our neighbors frequently, both those who rent out their homes, part-time residents, and full-time residents. The short term rentals don't appear to have a negative impact on their opinion of the neighborhood. Nuisances are rare.
- Exercising this fundamental property right is important to what it is to be American.
- We purchased our property with cash intended for retirement income along with periodic family vacation use and could not afford.
- They improve property values.
- STRs enable families who could otherwise not afford to purchase their own beach home the ability to experience Pacific City in a home setting. STRs also allow the "recycling" of homes to numerous families, rather than sit idle for much of the year. And, if we are not able to use the property over an extended period of time, we have the opportunity to rent the home on a long-term basis.
- Maybe, there are areas at the cove by brewery with a huge concentration of rentals with not enough parking?
- It was always hard to find a place to stay before STR market came along. Only a couple of hotels/motels, and rates were high for just a bedroom with no amenities.
- It allows my family to own vacation home and at the same time contribute to the local community. We have a very, very busy beach rental, and we contribute a lot of tax dollars to the community in the county because of it. And are happy to do so.
- Limiting short-term rental opportunities is misdirected. The Oregon coast will always be a popular tourist destination (and will continue to grow in popularity over time). When lodging is limited, a long list of other issues will rise, including traffic, parking, trash, and illegal camping.



Comments on perceptions of STRs, cont.

Q6. Do you strongly agree with the following perceptions of STRs in Kiwanda Shores? (comments continued)

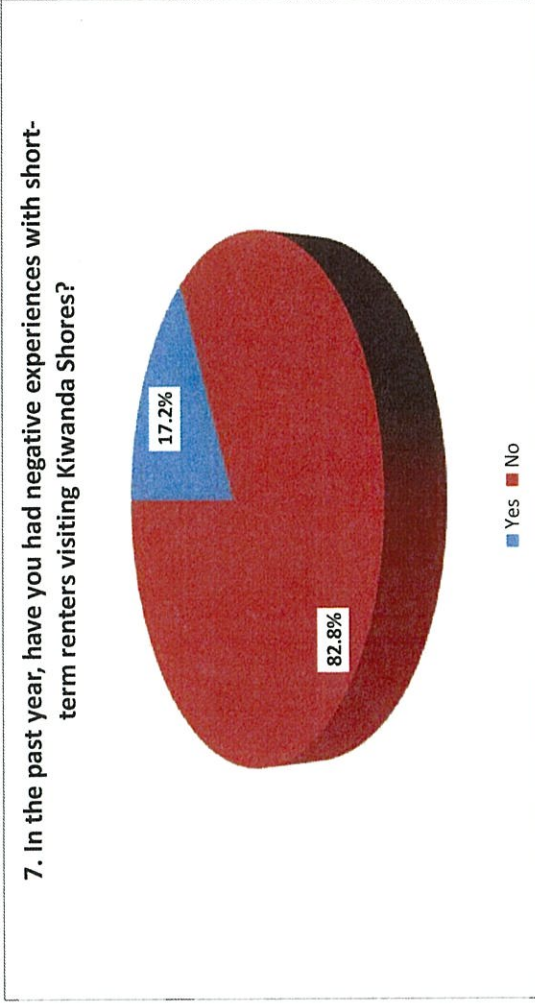
- PC generates so much revenue for its local community from visitors. There is a fraction of available hotel and motel space for these visitors as there are STRs. If STRs are limited, PC's local community will greatly suffer without this community revenue. STRs are woven into this community in a major way. If visitors need to behave differently because it's disrupting locals, then management companies need to step up to that challenge and actively manage their renters. But to disallow STRs or substantially limit them only damages the local economy.
- Without the STRs in Kiwanda Shores and the neighboring areas, Pacific City would simply become another bankrupt coastal town. Losing all the "out-of-town" financial income would cripple not just the STR home owners but every local business in our small town. They already struggle enough because of seasonal foot traffic. The rate of poverty, crime, drug abuse would skyrocket as it has in other "non-tourist" towns along the Oregon coast! That type of economy would also force out many permanent local residents simply in need of a job.
- I am fine with the STR as long as renters are respectful renters. I have had some issues with people littering on in Kiwanda Shores, including not disposing of dog waste.
- Don't have enough data to answer this question intelligently.
- Most STRs are well-maintained and therefore help keep the values of surrounding properties up as well.
- Not everything can be a STR, there should be some kind of cap to ratio limit, but South County is just not a cheap place to acquire any type of property.



Comments on negative experiences with renters

Q7. In the past year, have you had negative experiences with short-term renters visiting Kiwanda Shores?

- Fireworks on the upper portion close to the freshly planted grass.
- Walking between houses to the beach.
- One home had renters whose multiple cars were parked on the street. Another had trash overflowing the bin. Rather than disturb them, I called the numbers on the signs. It was taken care of.
- 7 cars jammed in STR rental and impeding the street right of way. Blowing trash from overfull garbage. Unresponsive homeowner who has trees crossing the property line and nearly touching my house (fire hazard). Excessive noise.
- We stay at our home frequently.



- Me and my family have rented in Kiwanda Shores for 21 years, either on the beachfront or in second row beach houses. We have never had a complaint against us as renters, and we have never had an issue with neighbors that a quick conversation didn't resolve.
- Trespassing
- Owners and renters keep to themselves. I haven't had any disturbances nor have I disturbed anyone.



Comments on negative experiences with renters, cont.

Q7. *In the past year, have you had negative experiences with short-term renters visiting Kiwanda Shores? (comments continued)*

- Inebriated lady came onto my property at night with flashlight searching for some unspecified object. She startled my son and grandkids. She departed when told to do so.
- We consistently solicit feedback from neighbors, and are diligent about ensuring guests are respectful of the neighborhood and the community. We have never once received negative feedback from neighbors.
- With exception for the 4th and Labor Day.
- Not in the past year, but prior years.
- Unfortunately most non-residents drive over the speed limit. Many residences/renters have children or pets occupying the homes. A danger to both. Quiet time is not always followed.
- Enforcement of the existing rules is an issue.
- Fires at beach access, fireworks from property, trailer and car parking on street.
- I am at the quiet south end and have six parking spots, so we haven't had problems in many years of renting.
- Issues have mostly been noise/parties and people using our trash can.
- We have never had disruptive renters, and only one time in 8 years have we experienced a neighboring STR renter who was loud.
- Walking thru my property. Parking on the street. Noise late at night. Damaging planted grasses on the dunes.
- Some homes appear to be "over-rented" with too many cars for the parking space spilling on to the road. There seem to be a lot of fires set on the upper dune. Neither of these is allowed, but doesn't appear to be monitored.



Comments on negative experiences with renters, cont.

Q7. *In the past year, have you had negative experiences with short-term renters visiting Kiwanda Shores? (comments continued)*

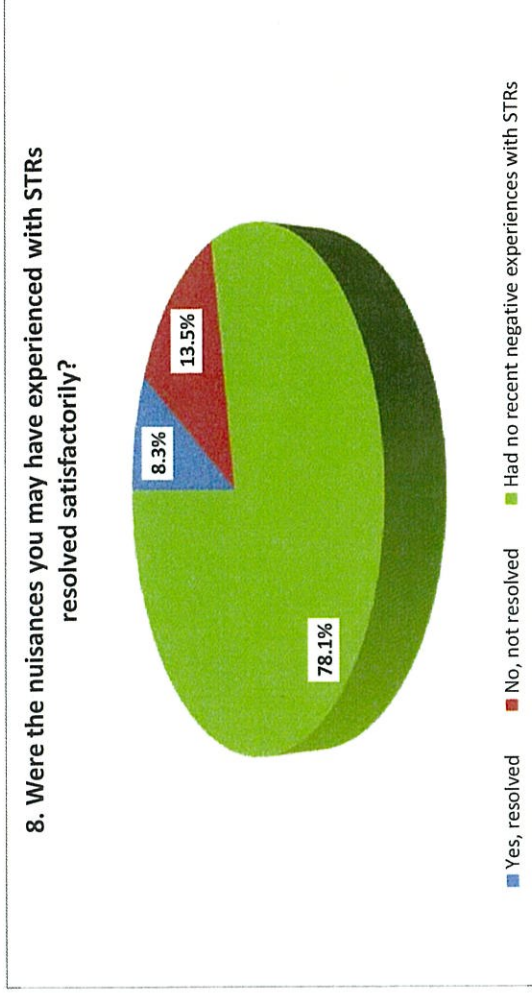
- We have 2 STR properties around our home & the renters have trespassed on our property & have violated the quiet hours (be quiet & respectful after 10 p.m. & before 8 a.m.). We have tried being neighborly & have asked the renters to shut down their parties &/or Loud music & this hasn't happened!
- Minor noise past 10 p.m., but a call to property manager stopped it in 20 mins.
- Our HOA has its own rules in place, which make STRs a pleasant experience for everyone.



Comments on resolution of STR nuisances

Q8. *Were the nuisances you may have experienced with STRs resolved satisfactorily?*

- I didn't know who to contact.
- The number I called did not correspond to the "owner" of the house.
- Some excited guests at neighboring homes, but I generally enjoy the atmosphere created by happy visitors and their families.
- If we did have an issue that could not be resolved directly with the renter, the phone numbers posted on the front of homes serves as a mechanism to contact the owner and have an issue resolved through the owner's intervention.
- Yes on the noise. Contacted short-term rental agency, and there has not been another Incident since. No on speed. Excessive speed continues to be an issue.



- Prior nuisances: parking, noise, and fires close to homes.
- An incident occurred in which a community member was involved in an altercation with renters staying at my home. The sheriff responded and identified the neighbor as the problem. The affair ended without an arrest, but the challenge was not with the STR but with our community.
- Limiting or removing STRs will destroy Pacific City's economy and tourism. This will result in an increase of poverty, violence, drug abuse, and a coastal town that will be run down and deteriorate.



Comments on resolution of STR nuisances, cont.

Q8. *Were the nuisances you may have experienced with STRs resolved satisfactorily? (comments continued)*

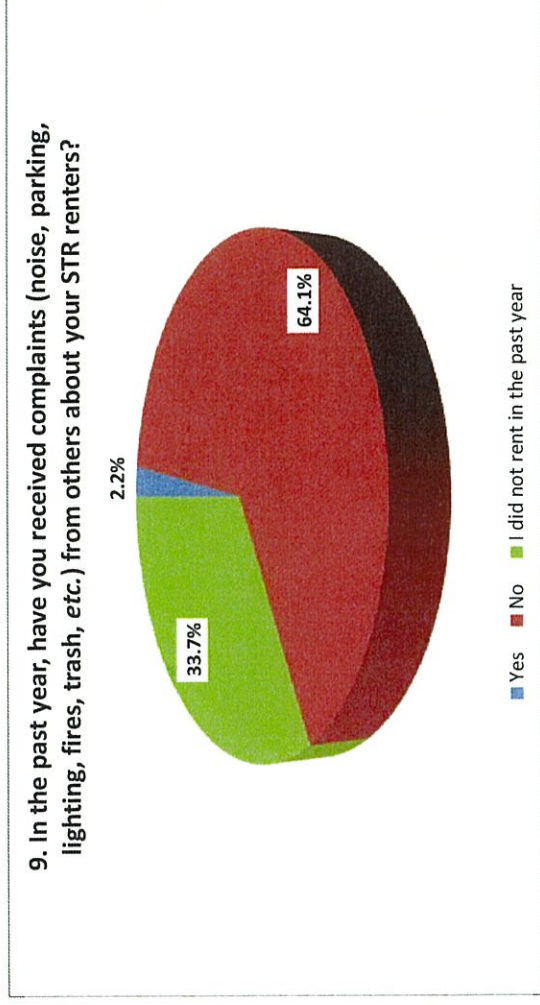
- We feel confident the County will face ongoing litigation on illegal property usage restrictions. We would hope that KSMA doesn't use the new STR regs to put even more restrictions on our property usage. We abide by the HOA regs and feel they are enough as they currently stand.
- We have 2 STR properties around our home & the renters have trespassed on our property & have violated the quiet hours (be quiet & respectful after 10 p.m. & before 8 a.m.). We have tried being neighborly & have asked the renters to shut down their parties &/or Loud music & this hasn't happened!
- Yes and no. Sometimes have to call the rental agent to get resolved. Sometimes don't bother to do so. Without proper monitoring by the agents or the association, renters who are likely unaware or don't care about the rules will not abide by them. Finally, there is trash and fire residue on the upper dune that is not always cleaned up.
- I reside in "Columbia Heights" (Pacific City). I have 2 STRs within 500 yards of my property. The couple of incidents were mostly about late night noise. Generally I found if you just contact the STR permit holder/management company, the issue seems to resolve itself immediately.



Comments on complaints to owners about renters

Q9. In the past year, have you received complaints (noise, parking, lighting, fires, trash, etc.) from others about your STR renters?

- Our family never received a complaint from a neighboring home about our behavior as renters, and we never had a complaint about a neighbor that couldn't be resolved with a quick discussion with them.
- No complaints to us or our management company.
- We have never had any complaints about our renters. We have a very small house with a capacity of 6.



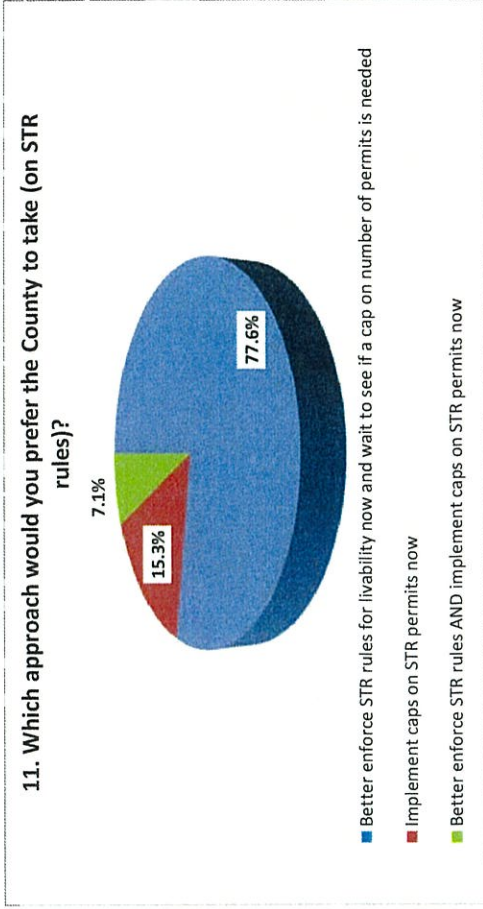
- A neighbor (who does not live in PC full-time) has pointed out that a light on the exterior of our garage is very bright when left on. We've worked with him to fix the problem, and as of our last conversation, it has been taken care of. Until he raised the issue of brightness, we thought leaving the light on would provide additional security when the house was empty.



Comments on preference for county approaches

Q11. Under the current draft revisions to STR rules, the total number of annual permits would be capped at roughly current levels. Applicants who exceed the STR cap would be placed on a waiting list and would receive a permit when a permit becomes available. (Approximately 25% of residential properties in Pacific City have STR permits.) Which approach would you prefer the County to take?

- This doesn't mean I would support additional caps; but apparently some areas need county support re livability issues.
- None of the above. This question is leading. It should be thrown out.
- Allow homeowners to solve any issues. They are closer to the problems. Additional and costly enforcement rules come with lists of frustrations!
- I understand the concerns, but would prefer no action at this time. I recommend monitoring. It is my assumption the qty. of short-term permits will start to naturally reduce due to falling vacation home revenue. The COVID rental high is over.



- Capping permits creates a supply-side shortage, which will create a market for the existing permits. As such, any home with a permit will be more valuable than an identical non-permitted home, thereby creating a disparity in home values based on permit status.
- We're not aware of any issues in Kiwanda Shorts that require better enforcement as well. The status quo is working well. Most importantly, if a change is made, all current STR permit holders should be grandfathered and be able to keep their permit.

Comments on preference for country approaches

Q11. Under the current draft revisions to STR rules, the total number of annual permits would be capped at roughly current levels. Applicants who exceed the STR cap would be placed on a waiting list and would receive a permit when a permit becomes available. (Approximately 25% of residential properties in Pacific City have STR permits.) Which approach would you prefer the County to take? (comments continued)

- We believe the county's strategy is to use the cap and the new restrictions to methodically over a long period of time attempt to effectively eliminate STRs and at the same time give favor to the hotel industry. We believe the county will use their new restrictions in an abusive manner.
- Limiting STR permits is a restriction on our property rights, giving an advantage in potential property value to those who already have permits or are grandfathered in.
- None of the above! Leave us property owners and our rights as property owners alone! No cap, no enforcement. The taxes, license fees, and permit fees are already an insult that has been tolerated for too long. If any further action to restrict our rights to rent is made, we will sue first for an injunction and next for damages.
- There is no data to justify the imposition of caps on the number of STR rentals. Enforce rules, gather data, and then see if an STR cap is called for.

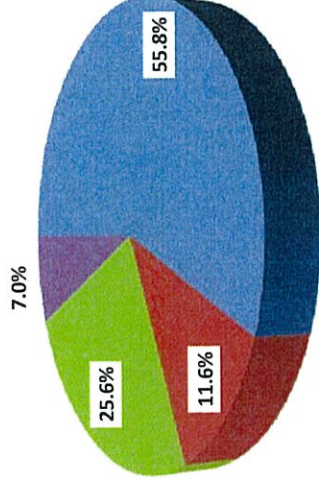


Comments on capping STRs in Pacific City

Q12. Should the number of active STR permits in Pacific City be capped annually?

- We do not believe a cap is necessary at this time ... but are not opposed to it in future regulation.
- I think caps create a lot of unintended consequences and don't address some of the issues that they intend to address. They might prevent some areas becoming majority rentals, which I understand.
- Perhaps it would be better to limit the number of rental homes to one per entity.
- I recommend restricting by neighborhood, not by total percentage. I would allow Kiwanda permit without cap.
- It is every property owner's right.

12. Should the number of active STR permits in Pacific City be capped annually?



- There should be no limit on the number of short-term rentals in Pacific City
- The cap for Pacific City should be set at much higher than current levels
- The cap for Pacific City should be set at or near current levels (approximately 25% in Pacific City)
- The number of short-term rentals in Pacific City should be reduced

- Capping the number of STR permits issued just creates scarcity, which then generates numerous unintended consequences. If we are blocked from operating periodically as an STR, it will have significant financial consequence to my family and our ability to maintain the beach home.
- No caps as long as we enforce the rules and punish bad actors.
- The market should dictate the demand and the subsequent number of permits. Limits are arbitrary and don't solve the issues associated with STRs.



Comments on capping STRs in Pacific City, cont.

Q12. *Should the number of active STR permits in Pacific City be capped annually? (comments continued)*

- Capping the number of STR permits issued just creates scarcity, which then generates numerous unintended consequences. If we are blocked from operating periodically as an STR, it will have significant financial consequence to my family and our ability to maintain the beach home.
- No caps as long as we enforce the rules and punish bad actors.
- The market should dictate the demand and the subsequent number of permits. Limits are arbitrary and don't solve the issues associated with STRs.
- Cap should be slightly higher than current level.
- Again, don't have enough data and haven't heard the pros and cons for each position. Would like to learn more before advocating a position.
- The market will help regulate this on its own through natural arbitration. If there are too many STRs to support the need, some homes won't get booked, and it will become too expensive for owners to pay the fees involved, and they will let their permits expire.
- More analysis may be needed to determine what a "healthy" percentage would be based upon the long-term vision/goals of this community. In my own self interest, I'd like the opportunity to obtain an STR when I decide to develop my property.
- We believe a 25% gap is too low given how the county determines geographical neighborhood boundaries. It is unfair to neighborhoods populations that are sparse.

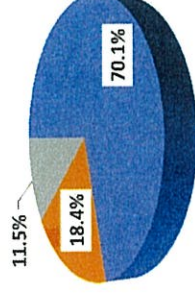


Comments on capping in Kiwanda Shores

Q13. *The County is considering establishing "sub-areas" such as Kiwanda Shores with differing percentage limits on the number of STR permits each year. (Approximately 47% of property owners in Kiwanda Shores currently have STR permits.) Do you support the County establishing:*

- I'm not sure I want the entire community to become STR-land. 47% is more than I would like, but I understand why owners want to help cover the costs of a second home. What I'm not in favor of is having commercial investors purchase homes specifically with year-round rental in mind (but how you restrict that is something else). Few people in Kiwanda Shores are living here year-round, and having caps or no caps won't change that.
- People should be able to use/leverage their own property as they wish. I worry that limiting/eliminating rentals will lead to "under the table" renting with less regulation and more disturbances.

13. The County is considering establishing "sub-areas" such as Kiwanda Shores with differing percentage limits on the number of STR permits each year. Do you support the County establishing:



- No cap (i.e., no limit) on the number of STR permits allowed for Kiwanda Shores owners each year
- An STR permit cap for Kiwanda Shores equal to current Kiwanda Shores STR permit levels (~47%)
- An STR permit cap for Kiwanda Shores equal to the current Pacific City STR permit levels (~25%)

- Individual owners should be able to support the cost of beach homes by sharing their home thoughtfully with renters. Emphasis should be on homeowners' rules to make that work for all.
- I think a cap on the number of nights available as a rental should be enforced. I don't support institutional ownership and using homes solely for STR revenue 365 days a year. Individual owners should be able to rent their homes for a portion of the year if they choose.



Comments on capping in Kiwanda Shores, cont.

Q13. *The County is considering establishing "sub-areas" such as Kiwanda Shores with differing percentage limits on the number of STR permits each year. (Approximately 47% of property owners in Kiwanda Shores currently have STR permits.) Do you support the County establishing: (comments continued)*

- Maybe closer to 65%, as this is a highly desirable vacation location.
- Capping STR limits in Kiwanda Shores will create an underground population of STRs that will not be subject to inspection. Owner-used houses don't have any regulations and often are more of a problem than STRs. We do not support a cap in Kiwanda Shores.
- Property ownership is the ultimate American right. If people behave badly, fix the behavior but don't take away property rights. It's un-American.
- I suggest a level of 50%.
- Again, not enough data. Some owners count on STR as an income/business source.

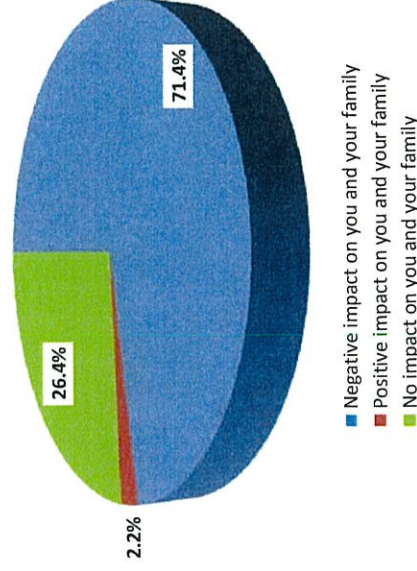


Comments on impact of not being able to rent

Q14. *What impact would preventing you from offering your home as a short-term rental for one or more years have on you and/or your family?*

- We would probably have to sell the house—I would imagine at a loss if the county took such action.
- This may change in the future, but we are not renting at present.
- We need the rental income to help pay for the mortgage payment and utilities. We have a son going to college soon and an aging mother to care for. We simply can't afford not to rent our home as a STR. We wouldn't be able to afford to rent it out as a long-term lease because the mortgage is too high, and it would cost us money to be a long-term landlord.
- Severe financial impact on our family.

14. What impact would preventing you from offering your home as an STR for one or more years have on you and/or your family?



- I would have to sell the home I have enjoyed for 32 years. I live on SS and savings. I use rental proceeds to maintain the home and pay for help to maintain it. I now have to replace my roof and work on the deck, a French door on the ocean side needs replacing, a picture window has broken, the side door framing rotted, and my bathroom and kitchen lighting needs updating. I only rent to maintain my home and its wonderful view. It would be a tragedy to my greater family and renters who have become friends if I could not maintain it with rental proceeds.



Comments on impact of not being able to rent, cont.

Q14. *What impact would preventing you from offering your home as a short-term rental for one or more years have on you and/or your family?*

- Being blocked from renting would have a negative impact on our ability to maintain our home. If we were forced to rent the home on a long-term basis in order to remain financial viable, our family would have to rent from another family/home when we visited in order to enjoy Kiwanda Shores. That would make no sense.
- This would ruin our family financially. Devastating.
- After over 20 years of home ownership in PC, I finally decided to put my home in the rental pool, only to find that permits have been suspended. I would like to make improvements to my home, but cannot without rental income.
- As mentioned, we purchased our property and completely remodeled it to generate retirement income.
- It would be devastating.
- If I can't rent, I can't build on my lot.
- Less \$ for upkeep. Still not selling.
- Financial impact!!
- No current impact, but definitely lowers our property value when we go to sell as most people would want our oceanfront home to be an STR.
- We would no longer be able to afford to keep our home without short-term rental income and would be forced to sell it.
- We built our home depending on the ability to rent the home as an STR until we reach retirement age and can move to PC full-time. If our STR permit is taken away from us, it would have an extreme impact on our finances.
- Second home would become financially infeasible or could lead to lack of necessary maintenance on the home over time.
- We would struggle to keep the house maintained, have eyes on things that need repair, etc. Our house would sit vacant. We will not sell. It is our vacation home. Our home would be vulnerable to squatters and vandalism and could have a negative impact on the neighborhood.



Comments on impact of not being able to rent, cont.

Q14. *What impact would preventing you from offering your home as a short-term rental for one or more years have on you and/or your family? (comments continued)*

- We would be forced to sell our business investment and family home.
- We would lose our house and have to sell it.
- I would have to sell it.
- It would have a huge impact on our family. Our house is essentially a small business that we are using to provide for our retirement. We would be forced to sell our home immediately if we could not rent it.
- Probably will not develop without the STR option.
- Retirement income.
- I would not be able to properly maintain the property in a manner that I would like and would seriously consider selling the property.



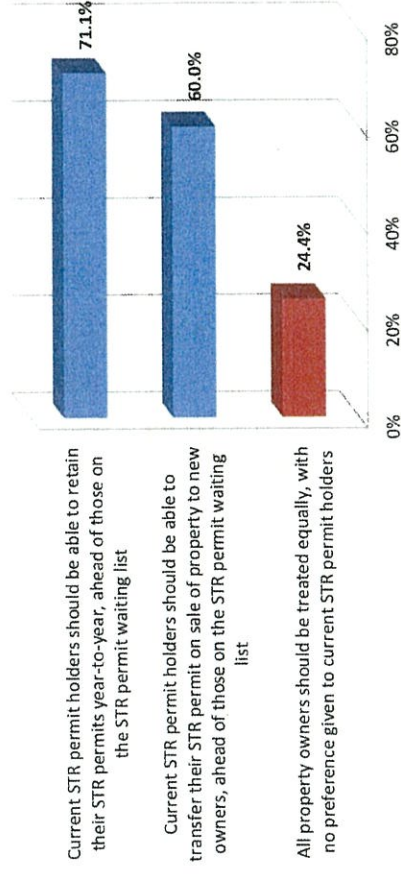
Comments on waiting list if cap imposed

Q15. *If the County imposes an annual limit on the number of STR permits allowed and places on a waiting list applicants who exceed the cap, please check all options with which you agree. (Other responses appear below.)*

- The proposed system for rotating people on and off the list is just bureaucratically insane. However, I don't think people should be able to transfer STR permits to new (non-family/inheritance) buyers; this artificial inflation of homes with permits warps the marketplace, as we've seen already. Given the moratorium and the inevitable-seeming caps, it's hard to see how those in line will ever get a permit.

- Bookings for summer are often the same family for the same week. It would be unfortunate for people to have vacations canceled because someone sold the house.

15. If the County imposes an annual limit on the number of STR permits allowed and places on a waiting list applicants who exceed the cap, please check all options with which you agree.



- Everyone should be able to do whatever they want with their property, as long as it does not harm anyone or anything.
- There should be no preference. All should be allowed to rent even without a permit.
- Many current STR permit holders likely purchased their home in Kiwanda Shores based on the fact that they could help offset the expenses with revenue from STR, and that they could transfer the permit on the sale of property to new owners.



Comments on waiting list if cap imposed, cont.

Q15. *If the County imposes an annual limit on the number of STR permits allowed and places on a waiting list applicants who exceed the cap, please check all options with which you agree. (Other responses appear below.) (comments continued)*

- Allowing current STR holders to retain their permits or sell them to new owners would have a seriously negative impact on my ability to maintain my home. The longer I would have to sit on the waiting list, the worse it would be. Retaining or transferring STR permits tries to address one problem (the loss of an STR permit for current holders) by taking it from another group (the 75% of Pacific City home owners who do not currently rent their homes on a short-term basis but may want to in the future.
- Just an FYI, we would be on the waitlist.
- We'd prefer to be able to include it if we were for some reason forced to sell the property. But it is our goal to keep the home in the family for future generations to enjoy. So transferring the permit within the family is extremely important.
- If property is sold, they go to bottom of list for a permit.
- Anyone who currently has a permit should be grandfathered in, and all rules should only apply to future buyers in the area.
- We plan on passing our house to our kids and don't want it to be a burden to them to maintain. They should be able to inherit and keep it as an STR.
- If a house is for sale and can't get an STR permit, it would lose 15-30% of its value, which would then affect the rest of our values and affect how we all get loans on our properties. The consequences of not allowing STR permits would be huge and devastating and be far reaching beyond what we would imagine and affect the economy for years to come.
- Part of the value of these properties is that they have a STR permit. If that is taken away, it devalues the property.
- If you have a permit you should keep the permit, unless the STR has had many unresolved or repetitive complaints associated with it. Then perhaps permits could be revoked.

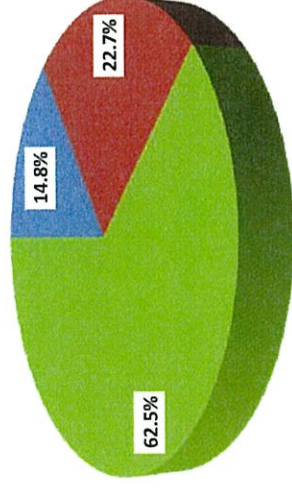


Comments on limiting rental nights as alternative

Q16. As an alternative to capping the number of STR permits issued annually, if the County were to implement STR restrictions, would a limit on the number of STR rental nights per permit be preferred to a cap on the number of STR permits?

- Different areas have very different occupancy rates.
- I wonder if this is really proposed as an alternative. I suspect it may end up being both, to satisfy those who oppose STRs unilaterally.
- Airbnb does not allow a cap on nights, and this would hurt our business. We need to rent it enough nights to meet our mortgage payment.
- Yes, as long as the number of rental nights per STR were set at at least 200 nights a year.
- This might be viewed legally as a taking and open the door to litigation. Hopefully we can avoid that.
- Yes, as stated in one of my previous answers!

16. As an alternative to capping the number of annual STR permits, would a limit on the number of STR rental nights per permit be preferred?



■ Yes ■ No ■ I do not support restrictions on number of STR rentals or number of STR rental nights

- Current and future owners are either going to rent out their place for STR or they are not. Capping STR is not going to create long-term rental opportunities.
- We don't support caps, but a cap on number of rents per year vs. no permit would be better so that we could still maintain the home and pay utilities.



Comments on limiting rental nights as alternative, cont.

Q16. *As an alternative to capping the number of STR permits issued annually, if the County were to implement STR restrictions, would a limit on the number of STR rental nights per permit be preferred to a cap on the number of STR permits? (Comments continued)*

● I'm not sure what this is trying to accomplish. More vacant houses or less tourists. The result is less money to the county and fewer customers to local businesses. A responsible STR is not a bad neighbor. Strategically getting rid of poorly managed STRs would go much further to accomplishing livability. We could end up with the problem STRs with permits. I'm in favor of preferential treatment to locally managed STRs. I think it's a win-win, as it creates local employment opportunities and quick responses to any issues.

- As a second choice option, the nightly limit allows more owners to have the right to use their property in their preferred manner.
- Again, would like to hear the pros and cons.
- This is an ineffective solution, because nearly all STR get most of their nights in June-September anyway. All that would do is create fewer places for people to stay in the other months, which would hurt local businesses even more.



Lynn Tone

From: Public Comments
Sent: Friday, May 19, 2023 8:37 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Short Term Rentals

From: Nathan Powell <nathanmpowell@gmail.com>
Sent: Thursday, May 18, 2023 7:33 PM
To: Public Comments <Publiccomments@co.tillamook.or.us>
Cc: Sarah Absher <sabsher@co.tillamook.or.us>
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.]

Greetings,

I wanted to write in and make note of concerns I have with the new proposed rules for short term rentals. I purchased a vacant lot in Pacific City in December 2020 and began construction of a residence in April of 2022 with the intent that the property be used as a short term rental in addition to personal use. It was quite shocking to see this option be taken away after the large financial investment was made. Further to see homes in the middle of escrow given the ability to receive an STR permit but those in the middle construction in a similar circumstance not also given the same extension seemed intentionally unfair. To see the new proposed rules putting strict limits on STRs is problematic. Those of us in the middle of construction at the time the pause have been uniquely harmed by the actions of the County. I encourage in the strongest of terms that at a minimum those in my situation be grandfathered in and given opportunity to submit for an STR permit in the same way those who were in escrow at the time the STR moratorium went into effect.

Regards,

Nathan Powell
Homeowner in Pacific City

Lynn Tone

From: Public Comments
Sent: Friday, May 19, 2023 8:36 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: public comment: please make this board order carefully

From: Nicole Ralston <nicoleralston@gmail.com>
Sent: Thursday, May 18, 2023 3:42 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: public comment: please make this board order carefully

[**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 & Board of Commissioners,

I'm here again - I have written many times and I have attended most of the meetings and have listened to all of them. I implore you to carefully consider the ramifications to property owner's rights as you implement this new board order.

To remind you of our situation - we purchased our lot in Pacific City in March, 2022, with the strict intention to build a home that our two families would use but would also be a short-term rental some of the time to help us pay the bills. We started building immediately and got our certificate of occupancy in December, 2022.

Despite trying, and even being processed and receiving an STR inspection (which was passed), we have not been able to obtain a STR permit. This is causing extreme financial hardship for our families.

When undergoing the "pause" of STR permits, you specifically thought about and cared for several groups of people:

- 1) People with homes who had not obtained a permit yet but might want one - they were allowed a "grace period" from May 25 to July 1 and in the April meeting it was mentioned that "hundreds" of permits were given during this time to anyone and everyone who wanted one, even many who are not using them. This seemed to be a big point of contention at the meeting.

- 2) People who were currently in the process of buying a home - you did not want them to be "blindsided" or to have "the rug pulled out from under them" so you allowed them to later obtain an STR permit if their home closed after July 1.

- 3) People who purchased a home that had an STR permit - they were allowed to "transfer" the permit to their name during the "pause".

Basically the only group that is being intentionally harmed remains people who were building new homes in unincorporated Tillamook County BEFORE the pause was enacted. Why are they being intentionally harmed and the only ones you are allowing to be "blindsided"? You have already allowed "hundreds" of "exceptions" to your "pause". Why purposefully exclude 15 more? It seems intentional.

We have participated fully in this STR Advisory process, have submitted many comments, etc., but our voices don't seem to be heard or no one seems to think about our specific predicament. At the April meeting, there were many arguments

that a "grace period had already happened" and everyone had a chance to get a permit that wanted one. That is simply not true.

The current plan of a 1% increase in allowance of permits in each area is also worrisome. That leaves somewhere between 8 and 20 more permits to be allowed in Pacific City, for example, at least per the discussions at the last meeting. However, there are 9 of us in the group of 15 who were in process of building at the time of the pause in Pacific City alone, plus I'm sure others who have bought homes or simply missed out the first time. So are we all going to be fighting for a lottery spot or first come first serve on July 3 - are we all to camp out at the courthouse the night before? Some of us will definitely still be excluded from obtaining a permit after waiting a year already with this cap. It seems like we will be permanently shut out of ever obtaining a permit, especially as it seems likely a long waiting list is to form after July 3. How is this right or fair or part of our property rights that were in place as of March, 2022?

Please, PLEASE, AGAIN, consider our small group and the harm you are doing. We took land that was sitting vacant and made it beautiful. We are now paying thousands of dollars in property taxes on that land and literally cannot afford our mortgages without renting it out at least part-time, which was what we intended to do when we bought the land in March, 2022 and started building in April, 2022. We are no different from someone in escrow by July 1. Please grant us STR permits with that same exception clause, or **write into the new ordinance that we are prioritized in line and not make us fight it out for the few that will come available July 3.**

Further, **please expedite this process** so we are not sitting around all summer without a permit, as again, **you personally are financially harming us.** Please take this into consideration as you make your decisions. If the problems truly are Neakahnie (the majority of the negative comments seem to be from that specific area), garbage, parking, and noise, then let's solve those problems and not create new ones in this ordinance. STRs bring in important revenue to the coastal communities, which do tons of positive things for the community.

Thank you again, for your consideration,
Nicole Ralston

SAVE-OUR-NEIGHBORHOODS
NESKOWIN, OREGON 97149

May 22, 2023

TO: Erin Skaar, Commissioner, Tillamook County Board of Commissioners
Mary Faith Bell, Commissioner, Tillamook County Board of Commissioners
David Yamamoto, Commissioner, Tillamook County Board of Commissioners
Sarah Absher, Director, Department of Community Development

FROM: Tom Prehoditch, tom@kpp-law.com
Barbara Triplett, barbtriplett@gmail.com

RE: Public Testimony for the
May 30, 2023 Hearing before Tillamook County Board of Commissioners (BOCC)

We write you on behalf of the supporters of Save Our Neighborhoods. The authors of this public testimony have attended all the current Tillamook County Short-Term Rental Advisory Committee's meetings, the vast majority of them in person. As we approach the next phase, i.e., public hearings of the BOCC, we wish to thank the STR Advisory Committee members, the Department of Community Development's staff, particularly Director Absher, and Commissioner Skaar, acting as the liaison between the BOCC and the STR Advisory Committee, for their willingness to devote substantial time and attention toward modifying the ordinance governing short-term rentals in the unincorporated communities of Tillamook County.

We have been impressed by the frank, open, civil, and democratic discussion at STR Advisory Committee meetings of the many issues facing the Committee and the County. The Committee has reached a consensus on many issues, including "parking," "occupancy," "notice-to-neighbors," and "noise," and a majority position on various issues related to "caps." From the perspective of Save Our Neighborhoods, the proposed language for the amended STR Ordinance has not always been what we would propose or choose. For example, the draft language regarding occupancy establishes a numerical limit that is a bit too high in our view, and we would not create a specific exception for "estate homes." Nevertheless, we generally support the recommendations of the STR Advisory Committee and the amended draft ordinance prepared by the Department of Community Development. We understand the County's decision to attempt to reconcile and balance the competing policy goals of regulating STRs in the interest of livability concerns while at the same time supporting the continued existence of STRs, particularly those already permitted.

Although the STR Advisory Committee did not directly address "enforcement", we are encouraged by reports from Director Absher. We continually hear from Save Our Neighborhoods' supporters and others, including many STR owners, that changes in the ordinance are meaningless without an effective mechanism to report violations and appropriate consequences for the visitors who

choose to ignore the rules regulating STRs. We and our supporters applaud the efforts of the Department of Community Development in creating Granicus, a new system for logging and monitoring complaints about STRs; however how exactly enforcement will be handled beyond the local STR contact person remains uncertain to us. Enforcement is an issue we hope the BOCC and County Staff will continue to confront and clarify.

Other topics that we believe require additional time for consideration include:

(1) Limiting the number of STR licenses per individual.

After the permit “pause” is lifted, will people who own multiple STRs still be able to apply for multiple licenses? Or will people who apply for their first license in July 2023 and thereafter be limited to a single license? Restricting new applicants to a single license will allow more individuals to obtain STR licenses yet stay within the limits of the license ‘cap’ (to be determined) in their unincorporated community.

(2) Limiting the density of STRs within neighborhoods.

The available evidence from the Department of Community Development indicates a significant concentration of STRs located west of Hwy 101 and close to the beach throughout the unincorporated communities of Tillamook County. During the last year, the County has heard numerous complaints from homeowners resulting from their homes being surrounded by three or four, and as many as seven, STRs. We understand that this is a difficult issue given the County’s decision not to adopt an STR ordinance that eliminates any existing STRs. Nevertheless, we continue to hope and expect that the BOCC and County Staff reasonably considers all mechanisms for distributing STRs more uniformly in our unincorporated communities.

(3) Controlling the growth of commercial operators.

Throughout the deliberations, several committee members and numerous public comments have expressed concern that commercial operators will become the predominant form of ownership for Tillamook County STRs in the future. This notion is supported by examining trends in STR ownership nationwide and internationally. Whereas realtors and managers will continue to benefit from selling and managing STRs, the livability and ambiance of the community will be forever altered. Our challenge to the BOCC is this: will the proposed changes to Ordinance #84 be sufficient to prevent the growth of corporate ownership of STRs in Tillamook County?

(4) Limiting the hours for exterior lighting to no later than 10 PM.

In addition to the well-documented negative impacts on residents and other homeowners, light pollution harms creatures living in our nearby forests and the ocean. Artificial light in our coastal neighborhoods deleteriously affects animal behavior, especially those related to migration, hunting, and mating. Our STR visitors should be asked to join our community effort to reduce light pollution by turning off exterior lights during “quiet hours.”

(5) Educating property owners, STR managers, and realtors.

During the past year, there has been much confusion, and more than a little misinformation, spread throughout Tillamook County about whether the existing ordinance for STRs in Tillamook County needed some modifications. If and when the BOCC approves the newly proposed amendments to Ordinance #84, we strongly recommend that the Department of Community Development take a lead role in educating the public about the revised ordinance via a series of press releases and public workshops. Learning first-hand about new amendments to Ordinance #84 from the county organization tasked with administering the ordinance will significantly reduce the amount of speculation and gossip about the ordinance's consequences.

In summary, we believe that with the guidance of Director Absher, Commissioner Skaar and County Counsel Kearns, the STR Advisory Committee made substantial progress in identifying aspects of Ordinance #84 that needed adjustment. The proposed changes to Ordinance #84 as envisioned by the Department of Community Development will strengthen the Ordinance to balance the needs of STR owners with the livability concerns of Tillamook's unincorporated communities. To achieve this objective, we hope that the BOCC will also evaluate the importance of the remaining issues identified in this document. We remain steadfast in our belief that modifying Ordinance #84 is the best way to meet the aspirations of all concerned.

Lynn Tone

From: Public Comments
Sent: Monday, May 22, 2023 11:24 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: BOCC-final draft STR

From: Lisa Briand <lbriand@gmail.com>
Sent: Monday, May 22, 2023 10:05 AM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: BOCC-final draft 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.]

Please consider our comments in your staff report to the commissioners.

As STR owners, we listened to most of the hearings via Teams. At the last meeting, there was spirited debate about transfers. I felt that the committee did a good job coming up with a reasonable compromise for 2 transfers per existing STR, and noting that legal changes like LLC, family trust, etc would be exempt. In the final draft I read, I see only one transfer and nothing noted for the legal name changes. Families are often advised on how to set up properties, and we should not be punished when advised to do so as this is not a true change of hands transaction.

All along, we have understood the need for balance in the community and appreciate the committee's attempts to make things fair for all parties. We just want to be treated fairly as property owners and tax payers in the county. We respectfully ask that this 2 transfer compromise with the exception for legal name changes only (LLC, trust, etc) included.in the draft sent to the Commissioners.

Best,

Lisa and Alain Briand
Netarts

Lynn Tone

From: Public Comments
Sent: Monday, May 22, 2023 11:24 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Kindly consider those of us waiting for our STR permit

From: Rachael Winters <rdwinters22@gmail.com>
Sent: Monday, May 22, 2023 9:20 AM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Kindly consider those of us waiting for our STR permit

[**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 & Board of Commissioners,

I have written in several public comments by now and am so incredibly discouraged, to put it politely. We have explained our situation several times, we bought our land in March of 2022, started building in April of 2022 and received our CoFO in December of 2022. Our lovely home is now sitting vacant while we pay literally thousands of dollars on property taxes and a mortgage, all because we have not been allowed a grace period to apply for a license. Several other groups were granted their STR licenses during the grace period, while we and a few others have been excluded for almost a year now. We are concerned with how the 1% increase in STR licenses will be distributed. How can we guarantee a license? We have been waiting and waiting so patiently. Please, please consider our situation. It is nearly June, will we be excluded again? At the very least, we should be granted our application first. Furthermore, in one of your early meetings last year, the commissioners stated that there would be no way the pause would last this long. Those who are building as of last year would not finish their homes before the pause was over. Here we are!! We have been finished since December! Still waiting.

Best regards, Rachael Winters

Lynn Tone

From: Public Comments
Sent: Monday, May 22, 2023 11:21 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR public comments

From: Carol Herzog <herzogcarol@hotmail.com>
Sent: Monday, May 22, 2023 12:12 AM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STR public comments

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

To the Tillamook County Commissioners:

My family owns a home in the Pacific Seawatch development in Pacific City, which is a current short term rental.

My comments today are regarding the proposal to severely restrict the ability of a current STR owner to transfer their permit. I request that you amend the proposal which would only allow one transfer, to provide an exemption for putting the property into a different legal entity, such as a trust or an LLC.

When the property would be staying in the same family, but there is a need to do estate planning or tax planning, then that family is not really transferring the permit, and you should recognize that.

Neither change of title due to inheritance or new legal entity should require that the owners use up their one and only lifetime permit transfer. That wasn't the rule when the family acquired their coastal home, and it is not equitable to change it for people with existing permits.

Thank you for allowing me to provide public comments.

Sincerely,

Carol Herzog

Lynn Tone

From: Public Comments
Sent: Monday, May 22, 2023 11:20 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR Permits

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

From: Janelle Bertsch <jmb12.tvf@gmail.com>
Sent: Sunday, May 21, 2023 12:31 PM
To: Public Comments <Publiccomments@co.tillamook.or.us>
Cc: Rachael Winters <Rdwinters22@gmail.com>
Subject: EXTERNAL: STR Permits

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

Dear Council Members,

I am a long time visitor (born in Oregon) and tourist dollar spender along the beautiful Oregon Coast. Hiking the spectacular dunes at Pacific City is one of my earliest memories dating back to the fifties. This past winter my husband and I took pleasure in hiking the dunes, walking the beach, sipping wonderful coffee and dining within the city limits. This and former family reunions in your city are treasured times. Having a comfortable, clean & affordable property to rent made this possible. I currently reside in a community very dependent on visitor dollars to maintain a healthy, viable core community. I urge the council to consider possible unintended consequences to the core community members of Pacific City. The well maintained investment properties are an asset. The property owners who make this possible bring many dollars to local merchants and job creators by bringing visitors to Pacific City.

I respectfully ask the Council to allow that STR permits be awarded to those property owners who have invested time, labor and hard earned dollars in currently built properties.

Thank you,

Janelle M Bertsch

Harrison, Idaho.

Sent from my iPhone

Lynn Tone

From: Public Comments
Sent: Monday, May 22, 2023 11:20 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR regulations

From: detroitmathers@gmail.com <detroitmathers@gmail.com>
Sent: Friday, May 19, 2023 3:05 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Cc: 'Eva Sobesky' <eva@eisstudio.com>; 'Renae Scalabrin' <renae.scalabrin@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.]

Dear Tillamook Board of County Commissioners and STR Advisory Committee:

We own two homes in Neahkahnie that are managed by a Nehalem resident, Renae Scalabrin, as high quality STRs. Her husband Jason Scalabrin built both homes as our general contractor. This is our first time commenting on the Draft STR Ordinance and Committee process. Our family also stay at these homes.

For the most part, we understand that reasonable rules re STR are worthwhile to make sure residents are not unreasonably bothered by STRs and that STRs are good neighbors.

However, any rules that greatly impair STRs, such as limits on the renewal of pre-existing STRs, would damage the investment that the owners have put in their STR homes. For example, we completely renovated both our properties, which were dilapidated when we bought them. We have paid local vendors almost \$2M for such renovations. Our two houses share the same driveway and are very close to each other. We also contributed over \$15,000 to improve the private road that goes to our homes as well as nearby homes.

We have been renting for about 10 years and have had no complaints from our neighbors.

A vast majority of the people who rent our places are Oregonians. Any rules that impede our renting will only hurt these fellow Oregonians and also all of the local businesses that our renters obviously frequent.

Moreover, any rules that impede STRs will chill investment and thus drive down the value of homes in this area. Given that the real estate market has taken a big hit due to the economy, I am sure most locals don't want the value of their homes to fall further.

I would strongly suggest that the Board proceed cautiously to avoid unintended consequences to the local economy. The Board should take minimal steps that it deems necessary. If the Board feels that more rules are needed, then it can always add more. However, if the Board goes too far and greatly damages the local economy due to hurtful STR regulations, then it will take many years to fix such economic harm to the residents and local businesses.

Thank you for your consideration.

Sincerely,

Todd Mathers and Eva Sobesky
8370 and 8380 San Dune Rd.
Nehalem, Or 97131
Todd: 310 699 9967
Eva: 310 699 9966

Lynn Tone

From: Tillamook County OR <tillamookcounty-or@municodeweb.com>
Sent: Monday, May 22, 2023 11:08 AM
To: Lynn Tone
Subject: EXTERNAL: [Lynn Tone] 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.]

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

We have a short term vacation rental at Neskowin, Oregon and we feel that Ordinance # 84 goes way beyond it's limits ! We can't make any meetings to voice our concerns yet WE own our property and Pay ALL the taxes and have owned this property for thirty years.

What gives a group of people the right to tell us how to use our property WHEN we have always concerned our neighbors? We love our place and all of our renters ALREADY have a fairly strict set of rules they must follow in order to use our place. Now we are being TOLD how many people can stay at our place etc. REALLY?? Try coming to our place during any major holiday-- we put up with much from the general public and yet we still try to maintain a good nature about everything. However, this ordinance goes TOO FAR!!

Lynn Tone

From: Public Comments
Sent: Friday, May 19, 2023 8:36 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: public comment: please make this board order carefully

From: Nicole Ralston <nicoleralston@gmail.com>
Sent: Thursday, May 18, 2023 3:42 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: public comment: please make this board order carefully

[**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 & Board of Commissioners,

I'm here again - I have written many times and I have attended most of the meetings and have listened to all of them. I implore you to carefully consider the ramifications to property owner's rights as you implement this new board order.

To remind you of our situation - we purchased our lot in Pacific City in March, 2022, with the strict intention to build a home that our two families would use but would also be a short-term rental some of the time to help us pay the bills. We started building immediately and got our certificate of occupancy in December, 2022.

Despite trying, and even being processed and receiving an STR inspection (which was passed), we have not been able to obtain a STR permit. This is causing extreme financial hardship for our families.

When undergoing the "pause" of STR permits, you specifically thought about and cared for several groups of people:

- 1) People with homes who had not obtained a permit yet but might want one - they were allowed a "grace period" from May 25 to July 1 and in the April meeting it was mentioned that "hundreds" of permits were given during this time to anyone and everyone who wanted one, even many who are not using them. This seemed to be a big point of contention at the meeting.

- 2) People who were currently in the process of buying a home - you did not want them to be "blindsided" or to have "the rug pulled out from under them" so you allowed them to later obtain an STR permit if their home closed after July 1.

- 3) People who purchased a home that had an STR permit - they were allowed to "transfer" the permit to their name during the "pause".

Basically the only group that is being intentionally harmed remains people who were building new homes in unincorporated Tillamook County BEFORE the pause was enacted. Why are they being intentionally harmed and the only ones you are allowing to be "blindsided"? You have already allowed "hundreds" of "exceptions" to your "pause". Why purposefully exclude 15 more? It seems intentional.

We have participated fully in this STR Advisory process, have submitted many comments, etc., but our voices don't seem to be heard or no one seems to think about our specific predicament. At the April meeting, there were many arguments

that a "grace period had already happened" and everyone had a chance to get a permit that wanted one. That is simply not true.

The current plan of a 1% increase in allowance of permits in each area is also worrisome. That leaves somewhere between 8 and 20 more permits to be allowed in Pacific City, for example, at least per the discussions at the last meeting. However, there are 9 of us in the group of 15 who were in process of building at the time of the pause in Pacific City alone, plus I'm sure others who have bought homes or simply missed out the first time. So are we all going to be fighting for a lottery spot or first come first serve on July 3 - are we all to camp out at the courthouse the night before? Some of us will definitely still be excluded from obtaining a permit after waiting a year already with this cap. It seems like we will be permanently shut out of ever obtaining a permit, especially as it seems likely a long waiting list is to form after July 3. How is this right or fair or part of our property rights that were in place as of March, 2022?

Please, PLEASE, AGAIN, consider our small group and the harm you are doing. We took land that was sitting vacant and made it beautiful. We are now paying thousands of dollars in property taxes on that land and literally cannot afford our mortgages without renting it out at least part-time, which was what we intended to do when we bought the land in March, 2022 and started building in April, 2022. We are no different from someone in escrow by July 1. Please grant us STR permits with that same exception clause, or **write into the new ordinance that we are prioritized in line and not make us fight it out for the few that will come available July 3.**

Further, **please expedite this process** so we are not sitting around all summer without a permit, as again, **you personally are financially harming us.** Please take this into consideration as you make your decisions. If the problems truly are Neakahnie (the majority of the negative comments seem to be from that specific area), garbage, parking, and noise, then let's solve those problems and not create new ones in this ordinance. STRs bring in important revenue to the coastal communities, which do tons of positive things for the community.

Thank you again, for your consideration,
Nicole Ralston

Lynn Tone

From: Erin Skaar
Sent: Friday, May 19, 2023 6:55 AM
To: Lynn Tone
Subject: FW: EXTERNAL: [Erin Skaar] Comments on Short Term Rental new rules



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: Thursday, May 18, 2023 7:34 PM
To: Erin Skaar <eskaar@co.tillamook.or.us>
Subject: EXTERNAL: [Erin Skaar] Comments on Short Term Rental new 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.]

Nathan Powell (nathanmpowell@gmail.com) sent a message using the contact form at <https://www.co.tillamook.or.us/>.

Greetings,

I wanted to write in and make note of concerns I have with the new proposed rules for short term rentals. I purchased a vacant lot in Pacific City in December 2020 and began construction of a residence in April of 2022 with the intent that the property be used as a short term rental in addition to personal use. It was quite shocking to see this option be taken away after the large financial investment was made. Further to see homes in the middle of escrow given the ability to receive an STR permit but those in the middle construction in a similar circumstance not also given the same extension seemed intentionally unfair. To see the new proposed rules putting strict limits on STRs is problematic. Those of us in the middle of construction at the time the pause have been uniquely harmed by the actions of the County. I encourage in the strongest of terms that at a minimum those in my situation be grandfathered in and given opportunity to submit for an STR permit in the same way those who were in escrow at the time the STR moratorium went into effect.

Regards,

Nathan Powell
Homeowner in Pacific City

Lynn Tone

From: LAURIE KOVACK <lkovack@mac.com>
Sent: Monday, May 22, 2023 3:45 PM
To: Sarah Absher; Erin Skaar
Cc: Lynn Tone
Subject: EXTERNAL: growth management goals

[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 appreciate the work that has been done by Tillamook County to try to balance quality of life issues for residents of unincorporated Tillamook County with the presence of short term rentals in our communities.

I have attended most of the short term rental committee meetings either in person or via the internet. Many of the comments by committee members representing short term rental owners, and written and oral public comments, state that the income from short term rental revenues allow homeowners to afford a vacation home for their families when they otherwise could not. As a neighbor of short term rentals I find that this type of owner often seeks to put down roots in the community, takes good care of their homes, and makes direct connections with their neighbors during the times they and their families use the home themselves. The goal of the property ownership is primarily for their personal use. The short term rental income provides the revenue to enable the ownership. When short term rentals are allowed in our communities this seems like a model to encourage.

It appears the May 17, 2023 draft ordinance allows all current registered short term rental owners to continue renting their homes as long into the future that they continue to maintain a valid permit or license with Tillamook County. By making this a part of the ordinance it seems you have satisfied the primary concern of the current short term rental owners who told you they would be harmed if they lost their permits/license.

My observation is that the short term rental properties that cause the most problems, and harm the quality of life of residents, often have corporate ownership, and/or are investors who have multiple properties. These owners often have no personal connection to the property or community. Their primary goal is return on investment. The presence of these existing short term rentals will continue to impact their neighbors. New licenses for this type of property are detrimental to the residential community.

When Tillamook County implements growth management policies for short term rentals I encourage you to include a policy that will prioritize new short term rental licenses be issued to properties that have the dual goal of a part time residence for the owner, in addition to use as a short term rental.

There are many ways to approach this goal. I'm sure staff can provide examples from around the country that could be used as a basis for discussion. Several potential approaches that come to mind are requiring a minimum number of days usage by the owners and their families, or conversely, limiting the number of nights the property could be rented, so the rental income supplements the cost of ownership but isn't the sole purpose. Another approach might be to allow only one short term rental permit per owner, with a mechanism that prevents avoiding this limitation via LLCs etc.

I encourage the County to implement growth management strategies that will limit the growth of short term rentals, and also improve the quality of owner participation in their communities, through personal use of the property by the owners, and personal interaction with their immediate neighborhood, and greater community.

Laurie Kovack
503 880-8989

Lynn Tone

From: Public Comments
Sent: Monday, May 22, 2023 3:32 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Proposed STR Ordinance

From: pbirch1@comcast.net <pbirch1@comcast.net>
Sent: Monday, May 22, 2023 3:30 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Proposed 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.]

To: Tillamook County Board of Commissioners
Re Proposed STR Ordinance
From: Peter Birch & Kathy Hamel

We refer to .060 B Transferability: *Transferability of STR Licenses. Any STR License existing at the time of adoption of this Ordinance is eligible for one (1) transfer to another person or entity.*

We do not have an existing STR license - we have an existing STR permit. Do you intend to revoke existing permits and replace them with licenses? If so, the legal process for doing so needs to be stated in the Ordinance.

Lynn Tone

From: Public Comments
Sent: Monday, May 22, 2023 3:32 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Staff Report Public Comments - Support for STRs

From: Robert Hakes <robert@roberthakescons.com>
Sent: Monday, May 22, 2023 2:50 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Staff Report Public Comments - 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,

Anyone that started a project based on the fact they were told by the county that they could do STR should be given the opportunity to receive the STR permit.

Thank you,

****PLEASE NOTE: OUR ADDRESS HAS CHANGED.
SEND ALL MAIL TO: PO BOX 504 BRUSH PRAIRIE, WA 98606

Robert Hakes



11515 NE 131st Street
Vancouver WA 98662
O: 360-836-8622 | C: 503-318-1863 | E: robert@roberthakescons.com

OR – CCB – 200289
WA - CCB - ROBERHC87104

Public Comment - Supplement to Reflection Statement
Hillary Gibson
May 22, 2023

Throughout committee discussions a few recurring themes were present:

- **Importance of Accurate Data** - *Significant data not provided by the county*
- **Enforcement** - *Boots on the ground are needed to alleviate burden on neighbors to report*
- **Historic Areas with Seasonal Homes** - *Many homes have never been full-time residences*
- **Property Rights** - *Ability to STR is an important stick in the bundle of property rights*
- **Livability Concerns** - *Noise, Parking & Trash - Need more data to assess impact from STRs*

Permits & Licenses

A vital component missing from all discussions and the proposed draft is clear information about homes with current STR permits and how they will be handled with regards to status of permits and any timeline for compliance. A solution for this would be to have two categories including current STR Permits and new STR Licenses, as seen in the following example:

Existing STRs may continue to operate with STR Permits as long as three (3) conditions are met:

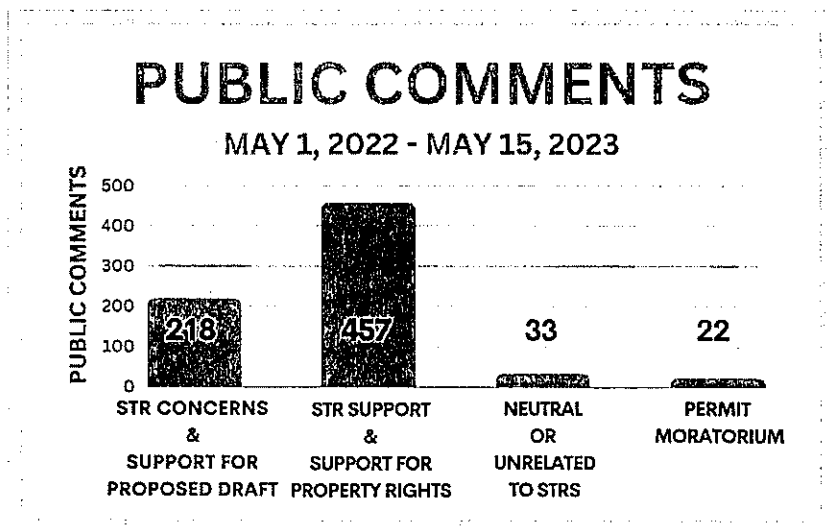
- *The STR Permit must be renewed annually.*
- *The STR may not increase maximum occupancy.*
- *The STR meets basic fire & life safety requirements.*

STR Permits originally approved prior to July 1, 2023 have legal land use rights which run with the land and may continue after a sale and transfer to a new owner until the STR Permit is either closed by an Owner or revoked by the County. If the property is sold, the new owner has sixty (60) days from the date of closing to file for transfer for continued use of STR Permit.

STR Licenses approved after July 1, 2023 are specific to the property owner, are not transferable, and automatically become void with the sale of the property. STR Licenses fall under new regulations.

Public Comments

STR Advisory Committee responsibilities included reading all public comments. There was a wide range of comments across a spectrum of viewpoints. I acknowledge that it is not ideal to categorize opinions of community members, but for the sake of generalizing to give myself a better understanding of the feedback throughout this yearlong process, I found it helpful to keep a running tally of a full year's worth of approximately 730 public written comments divided into four general categories:



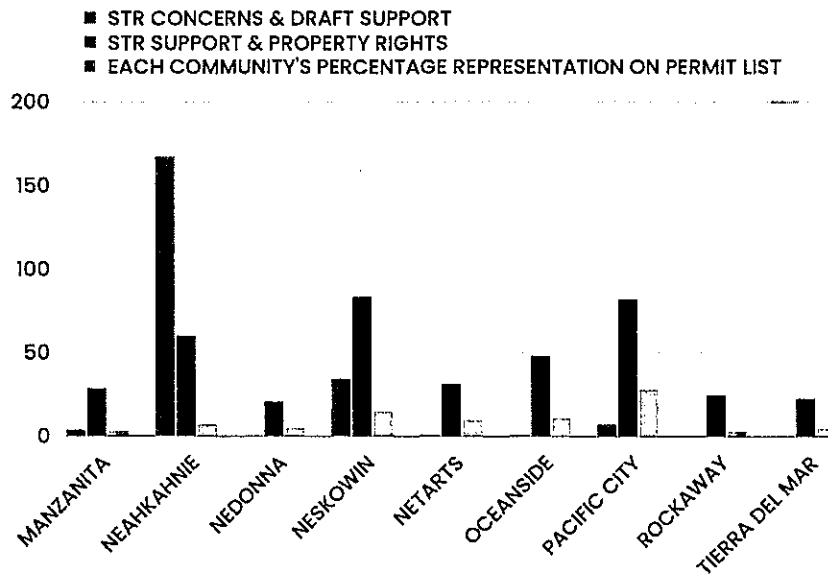
Breaking down comments by location and focusing on the two main categories was helpful in grasping the feedback throughout all of Tillamook County and seeing clearly how it varied significantly. Thirteen communities in Tillamook County did not have a single written public comment expressing STR concerns or support for the draft proposal over the full year of this process. Only two communities had stronger STR concerns and support for the draft than general STR support and support for property rights: Neahkahnie & Tillamook.

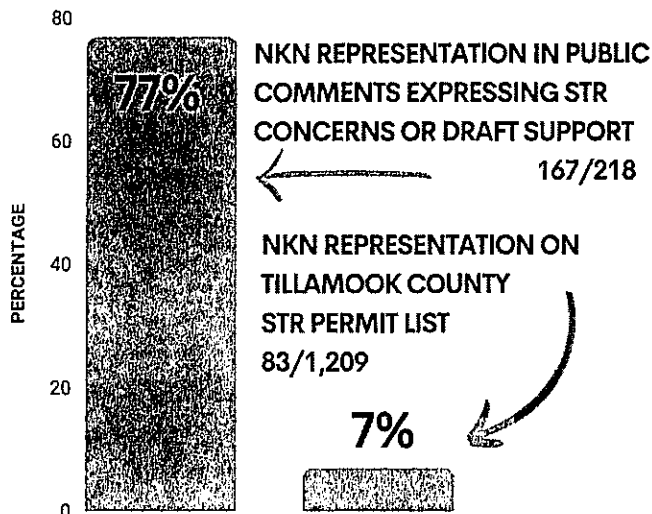
LOCATION	GENERAL STR CONCERNS & SUPPORT FOR DRAFT	GENERAL STR SUPPORT & PROPERTY RIGHTS
BARVIEW	0	2
BAY CITY	0	1
BEAVER	0	0
CAPE MEARES	0	5
CLOVERDALE	0	7
FALCON COVE	0	4
HEBO	0	1
MANZANITA	4	28
NEAHKAHNIE	167	60
NEDONNA BEACH	0	20
NEHALEM	1	4
NESKOWIN	34	83
NETARTS	1	31
OCEANSIDE	1	48
OTIS	0	2
PACIFIC CITY	7	82
ROCKAWAY BEACH	0	24
TIERRA DEL MAR	0	22
TILLAMOOK	2	1
WATSECO	0	0
WINEMA	0	0
GENERAL, BUSINESS, VISITOR, MISC	1	32
TOTAL	218	457

The nine communities with the most written public comment activity are shown on the chart below:

PUBLIC COMMENTS

MAY 1, 2022 - MAY 15, 2023





As illustrated by the public comments, it is clear that a significant majority of comments supporting the draft ordinance are from a single community: Neahkahnie. The current percentage level of STRs in Neahkahnie is approximately 20% (83 STRs out of 409 improved properties). 77% of all public comments citing STR concerns or support for the draft are from Neahkahnie, while the STRs in Neahkahnie only comprise 7% of the STR permits throughout Unincorporated Tillamook County (83 permits in Neahkahnie out of 1,209 county permits listed as of Feb 2023). This disproportionate distribution of public comments shows a significant disparity from a single community, and there is valid concern that one community's efforts to strictly regulate STRs could impact the entire county.

Neskowin, was the next community behind with 34 written public comments expressing concerns or support for the draft proposal. No other communities in Tillamook County reached double digits in this category which is an important fact. Meanwhile, comments generally supportive of STRs and property rights were more widespread all throughout Tillamook County. The total number of comments with STR support (457) is more than double the number of comments with STR concerns (218). While public comments are important, they are just one factor to consider when setting STR regulations. The importance of data to make sure that regulations are evidence-based and will not result in unintended consequences should not be overlooked.

Reduction or Growth Management

I'm concerned that Tillamook County's assertion that the stated goal to manage STR growth and not reduce STRs is not supported by the draft ordinance. Simply saying there will be no impact on current permits due to a proposed percentage cap being set above the current level overlooks an unknown number of permits that may be eliminated due to the cumulative effect of stricter requirements which may seem minor, but could essentially throttle the number of current STR permits and push out family run-STRs in favor of larger operations more equipped to keep up with inequitable regulations:

- Requiring renters to park off-street - owners can't restrict use of parking on public streets (.080 E)
- Requiring immediate response to phone call - immediate is unreasonable (.080 J)
- Requiring exterior lighting to direct downwards - lighting is a safety feature (.080 K #11)
- Requiring expiration date on exterior signage - necessitates annual expenditure (.080 O #1)
- Requiring all STRs to meet current building codes - undue burden (.090 A)
- Requiring all STRs with septic tanks to have an annual inspection - 5 years is ideal (.090 C #3)
- Requiring minimum bedroom sizes larger than some currently permitted bedrooms (.030 D)
- Requiring in-person response - could be a safety risk better handled by law enforcement (.080 J)
- Limiting parking to 6 cars off-street - previously required up to 10 for large homes (.070 D #3)
- Fee no less than \$100 to change Contact Person - financial barrier to compliance (.060 A)

Strengthen Enforcement Along with Community-Wide Noise, Parking & Trash Solutions

Severe regulations are not the solution. Simple and straightforward regulations will best facilitate compliance. Tillamook County needs better enforcement of the current ordinance, a county-wide noise ordinance, "no parking" signs as needed, and curb-side recycling to reduce trash. Those suggestions all address top nuisance complaints and impact not just STRs, but the entire community. The past STR Advisory Committees have also recommended better enforcement. Neighbors should not bear the

burden of reporting concerns. Punishing all owners with STR permits instead of addressing specific problems is not appropriate. The fact that no STR has ever had a permit revoked under the "three strikes" guideline is an example of how this proposed draft is an over-reaction to a boost in visitors to the coast during the pandemic colliding with a Not-In-My-Back-Yard mentality. We need simple and straightforward regulations with effective enforcement. Best practice is to make a few measured changes, and then reevaluate to see if the intended goal is being met. If too many changes are made at once, then there could be unintended consequences and a lack of clarity on which changes were effective or ineffective.

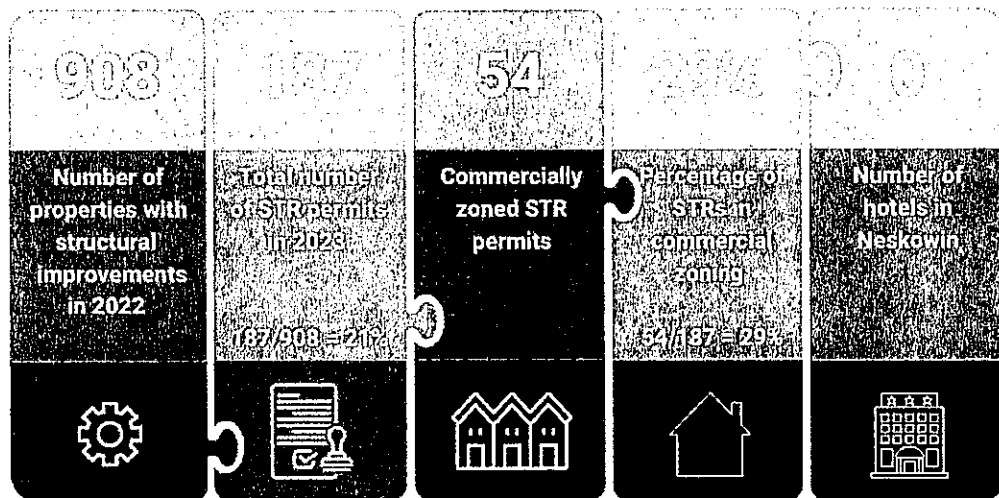
Family Ownership

Reading through all the public comments it was evident that a great number of owners are families who are sharing their personal vacation home. This is a tradition along the Oregon Coast and a labor of love for many, myself included. I've heard the rumors of corporations buying up homes in Tillamook County, but this hasn't been backed up by facts. A review of the STR permit list shows that 93% of homeowners with STR permits have only one single permit in Tillamook County.

2% Annual Cap with 3 Year Sunset

If Tillamook County insists upon implementing a percentage cap, then I can support a 2% cap with an annual increase and sunset in three years if Phase 2 is delayed. This allows for controlled growth and better data collection via Granicus hotline. I also highly recommend expediting an online STR registry with contact info (for example Bend, Oregon) & complaint link (for example Couer d'Alene, Idaho). If homeowners and property managers can easily update the contact person online, in real time, the compliance will be higher instead of requiring changes be made 14-30 days in advance with a \$100 fee.

BREAKDOWN OF STR PERMITS IN NESKOWIN



NUMBERS ARE APPROXIMATE AS OF MAY 2023

Neskowin

For all of 2022, Tillamook County reported only one single county-reported complaint for STRs in Neskowin. This complaint was for "parking in roadway" and it was resolved and did not result in a violation. Outside of signage violations, which are in their own category, for all of 2022 no violations issued for STRs in Neskowin were reported by Tillamook County.

The previously reported county-wide complaints & violations mirror Neskowin with similarly low numbers in the single digits for 2020 and 2021. Acknowledging that there is a disconnect between numbers reported by Tillamook County and experiences shared by neighbors, there are valid concerns regarding garbage, parking, and noise. However, it is difficult to pinpoint the extent to which these concerns are due to STR guests, versus day trip visitors, residents, or visitors of residents. Feedback from Neskowin is that we would like to see all homeowners be good neighbors and be held to similar standards.

The STR Advisory Committee was presented with county-wide data showing that the majority of nuisance calls are to second homes, and not STRs. A mere ten phone calls to the sheriff in 2020 & 2021 out of 600 nuisance calls were attributed to STRs in the entire area of Unincorporated Tillamook County.

NCAC STR Recommendations

In December, 2022 the Neskowin Citizen Advisory Committee [NCAC] submitted a 19 page report titled Recommendations for Updating Tillamook County Ordinance #84. I served on this STR sub-committee and our recommendations reflect a full year of outreach to our community, research, and two surveys. The final survey had an excellent response rate with 449 participants from eligible NCAC members, the majority of which did not have homes with STR permits. Our recommendations included the following:

- **Improved Enforcement** - enforcement officer nights & weekends in summer months
- **Percentage Cap** - also support to exclude commercially zoned areas from caps
- **Update "Sleeping Areas" to "Bedrooms"** - 2 per bedroom + 2 overall
- **Online STR Directory, Complaint Form & Exterior Signage**
- **Parking - Max 6 Vehicles**
- **Bear Resistant Trash System & Weekly Trash Pick-Up**
- **Dark Skies Initiative** - encourage for all of Neskowin & not just STRs
- **Community Rules** - equal application of rules for trash, parking & lights for everyone
- **Increase TLT Funds Allocated to Neskowin**
- **No In-Person Response Requirement**
- **No Annual Nightly Limit, No Max Occupancy Limit, No Proximity or Distance Based Limits**

Percentage Caps in Neskowin

The following information is my own deep dive into the percentage cap survey responses, and was not part of my role on the NCAC's STR sub-committee. The Neskowin survey showed 59% of respondents supported some level of percentage cap from 0%-50%, while 41% supported 100% (no cap).

54% cap	Average of all 449 survey responses representing the community from 0%-100%
24% cap	Average of only the responses which selected 10%-50% cap Excludes 0% (ban) and excludes 100% (no cap)
21% cap	Average of only the 59% of responses which selected a 0%-50% cap Excludes 41% of responses supporting 100% (no cap)
40% cap	Median of all 449 survey responses representing the community from 0%-100%

The percentage cap conversation will be an important one moving forward, and the various options above present how differently the percentage caps can look based on how the same set of data is calculated in different ways. Two options above leave out responses from community members (24% & 21%). It is my opinion that the two options which reflect all survey responses best represent the entire community of Neskowin by virtue of not excluding survey responses (54% cap & 40% cap). However, there needs to be more data behind the selection of a cap in addition to a survey, as important regulations need to be based on data and not merely opinions. For example, as a historical vacation destination with a high rate of seasonal ownership, Tillamook County has defined Neskowin as a resort area. To preserve our historical balance in this coastal market I believe a cap of approximately 30%-35%

would strike a balance. That range accounts for roughly half of the seasonal homes being permitted STRs, and roughly one-third of a balance between full-time residences, seasonal homes not used as STRs, and seasonal homes used as STRs. If there is a percentage cap, then STRs in commercial zones need to be excluded. STRs in commercial zones currently represent 29% of the STRs in Neskowin, and there is strong community support to exempt this zone from any potential percentage cap.

Workforce & Affordable Housing Crossover

Workforce Housing & Affordable Housing is a crisis in Tillamook County. There may be some minimal overlap with these types of housing and STRs, however in Neskowin that may be very limited as Neskowin is classified as being fully contained within the Coastal Zone reflecting higher than average home prices. The average sale price of homes sold in Neskowin Jan-Apr 2023 was \$1.5M (none of which had an active STR permit). Operator Fees from STR permits continue to be a new source of revenue for Tillamook County to allocate towards this vital need for more multi-family housing in our communities.

Oregon Beach Bill

In the spirit of the Oregon Beach Bill, it is vital to the diversity of our community to maintain accessibility to the Oregon Coast for all demographics regardless of socioeconomic status. If visitors do not have overnight accommodation options we are not an inclusive community.

In September 2022, a presentation by the Tillamook Coast Visitor's Association said that our county is unique because it has an extremely low number of hotel rooms: 782 hotel rooms in the entire county. To put that in perspective, the downtown Portland Hilton has two towers which also have 782 hotel rooms combined. Visitors to the Oregon Coast are reliant upon STRs. From 2014-2022, roughly \$40M in TLT has been generated for Tillamook County, and STRs account for approximately 70% of the TLT collected.

Summary

I am advocating for a balanced perspective that meets mutual goals for the greater community. I favor regulations which are evidence-based and supported with enforcement. Current STR Permit holders need to have their legal rights preserved & changes outside of clear fire and life safety regulations may only apply to new STR Licenses. A goal for the county should be to find a balance that preserves community livability, promotes renting responsibly, supports our tourism economy, and maintains accessibility to a wide variety of visitors. STRs have become a highly divisive topic for some communities, and we need to bridge the gap to bring people together with a clear understanding of both the benefits and concerns with this type of accommodation which welcomes visitors from around the world to the Oregon Coast.



Hillary Gibson

To: The Tillamook County Board of County Commissioners
Cc: Sarah Absher, STR Advisory Committee, Hillary Gibson, Karen Babbitt
Fm: John and Maria Meyer
Re: Comments to BOCC on the 5.17.23 STR Ordinance Draft
Date: May 22, 2023

Our extended family has been visiting the Oregon coast since the late 1940s. Since 2017, we have owned a vacation rental home in the Neahkahnie community north of Manzanita. We know many year-round residents and we respect and value our neighbors and their concerns. We deeply appreciate owning a home in this beautiful place on the Oregon coast. As to vacation rentals, we feel they provide a significant contribution to the economic and social well-being of all residents of Tillamook County, and we favor practical regulations that are enforced. But we also favor protecting the property rights to own and operate a vacation rental, including our right to transfer it.

We are extremely grateful for the work of this STR committee, but we would be remiss if we did not point out shortcomings in the current draft. As you know, the original purpose of addressing STR issues through an STR Advisory Committee was to build consensus to effect positive change. This draft deviated from that important objective when the county hired an attorney well known for his anti-STR positions in other counties throughout Oregon and instead of building on what was good in Ordinance 84 and has worked well, it was tossed and the committee was given an entirely new draft ordinance that reflected material elements intended to remove property rights from vacation rental owners. Some offensive elements were removed, but the current draft still reflects many such restrictive clauses, which are not "consensus recommendations" from the committee. A more informative description from staff would be that "the STR Advisory Committee is not in agreement with several elements of this draft."

We hope the BOCC will insure this document reflects the *original* purpose of this effort. Our common goal is a final document, approved by the BOCC, that preserves the best interests of all stakeholders. The STR Advisory Committee has labored to mold a consensus, a win-win document. Let our comments below serve as a guide to achieving that better balance.

Comments on Draft Ordinance

[Page references refer to the draft ordinance, copy attached]

- A. *There are a series of "whereas" type clauses in this draft which reflect an anti-STR bias. They serve no useful purpose other than to restrict the property rights of existing STR owners. We recommend removing them.***

Page 1:

O40 – “No Nonconforming Use Status Conferred” - this is directed at existing STR property rights and may be illegal. If a property has a non-conforming use or right that pre-dates this regulation, this regulation cannot strip the property owner of the right to the non-conforming use. (See also Page 6. O40 (B) – “No nonconforming Status Conferred.” – legal question is whether an existing Non-Conforming Use right is being taken away. These references should be stricken.

110 – Use of “license” replaces “permits” and registered. – this language serves no purpose but to restrict property rights of STR owners. It appears in multiple other locations. Simple solution: revert to Ordinance 84 description.

- B. There are several references describing STRs in a derogatory light. These create broad-brush assertions that these negative comments apply to the entire STR community, when in fact the number of violations and complaints over the last decade registered against STR's are minimal. This “bias” only creates divisiveness in the community and does not lead to constructive changes and recommendations. If we move on to a Phase 2 evaluation of CAPS, it is essential we start from a point of objectivity and balance. We recommend these biased clauses be removed.***

Page 2:

4. “the need to limit short-term rentals within neighborhoods...to ensure compatibility with ...established owner-occupied neighborhoods.” - Much too broad, fails to recognize STRs need to be compatible, they need to be good neighbors, we do not “need to limit” them without serious analysis and community review, which has not taken place; also, we know that some owner-occupied neighborhoods are like ghost towns and some are in locations more suitable to rentals. Some areas are predominately STRS and need to stay that way. Even the California Coast Commission recognizes this important principle. This can be evaluated on case by case (community by community) basis with objective criteria applied. The statement “STRS need to be limited” is not based on committee recommendations and there has been no evaluation of CAPs or other standards justifying limiting STRs. This clause should be eliminated.

5. Same as # 4: “Protect the character of the County’s established neighborhoods by limitingSTRS” – may be inappropriate; the character is well-established with existing STRs. Open to argumentation and divisiveness. Same conclusion as to #4 above.

B. Same as #4, #5: “County finds the transient rental of dwelling units has the potential to be incompatible with the residential neighborhoods....damaging impact on the livability of those neighborhoods.” Again, derogatory unsubstantiated claims set the stage for community divisiveness. These clauses hurt efforts to achieve consensus and divide the community. They should be eliminated.

E. “The requirements of this Ordinance are not “land use regulations.” Why is this inserted? Is this another attempt from Mr. Kearns to remove an existing property right that is legally protected under

LUBA precedents and other well established Oregon statutes? If so, on what basis is the statement included other than to show intent to remove a property right. It should be eliminated.

Page 4:

G. "Administrative Rules. The county STR Administrator shall have authority to establish administrative procedures....binding upon any owner, operator....." This language is too broad. Should simply refer to the section in the Ordinance that describes this in detail (see "Violations. 120," page 19)

H. "County Administrator...authority to administer, interpret and enforce, this Ordinance" – this is incorrect and should be removed or re-written. The ordinance does not grant the administrator these authorities. The authority actually granted is defined in "Violations .120" page 10 ff)

N. "Good cause...." This is not defined and would be grounds for significant arguments and legal actions seeking clarification. How/where is "good cause" used in the document? How is "Public health or welfare or the safety of the immediate neighborhood in which the STR is located" defined – by way of example, many year-round residents believe legally permitted STRs, by their very presence and regardless of their compliance with the regulations, violate their safety and are a public health hazard, simply by being present – these visitors affect water supply, clog traffic lanes, impede emergency vehicles, etc. This clause could be misused and easily interpreted as justification to eliminate STR's when in fact they are simply occupying a lawfully created and permitted residential home, in effect with fewer occupants than were the home occupied by year-round or part-time residents. The clause should be eliminated.

O. "Good Neighbor Policy" – question left open: is violation of good neighbor policy "good cause" for suspension or revocation of license. We believe strongly in a good neighbor policy adopted by all, but we don't support broad authority to revoke permits for "good cause" as determined subjectively by the language in "N."

C. Further concerns about specific clauses:

Page 5:

Y.Z. "Short term rental." Does this mean a homeowner is prohibited from renting part of his or her home? What about to a caregiver; what about to a farm worker, or others? Does "B&B" involve a State license as suggested here?

Page 6:

.040 – "No nonconforming Use Status Conferred." – see Page 1, same question and conclusion: serves no purpose other than to restrict property rights. Should apply to no permits only.

A. Confirm that existing permits continue. "License may be revoked for failurewith all requirements..." - Contradicted by Section .120 Violations and .130 Penalties

B. "Does not confer a property right.." – why not? Is it being taken away?

- C. "CAPS" – "the county has established a limit on the number of STR licenses..." – this language is not true. CAPS are apparently being addressed separately and this clause would only apply if specific regulations were in place, which is unlikely by the time the county is ready to approve this new ordinance.

Page 9:

.060 B – Transferability – "...STR license existing at the time of adoption of this Ordinance is eligible for one (1) transfer." Existing STR permit holders have a property right that goes with the property if it is transferred. There is no apparent justification for taking that property right other than to serve to potentially eliminate the right for that property to operate as an STR, if for example, CAPS were in place or other restrictions limiting the number of locations of STRs. We recommend a transparent discussion and evaluation of the legal implications of such a taking, including whether or not compensation would become a factor were it ultimately implemented.

Page 13:

J. Contact Information – "must be able to arrive on site at the STR within 30 minutes if a phone call is not sufficient to remedy the alleged operational problems." Could be nightmare to implement; what if the STR Administrator feels a phone call is not sufficient to remedy all alleged problems....what if fence is blown down in front of STR home; neighbor calls it in to complain.....

Page 16:

Q.6. "No ADU permitted." - why are ADU'S not permitted? What if an owner wanted to live in ADU and rent the house; or vice versa?

Page 18:

2. STR Hotline – "Unresolved complaints shall result in an immediate violation of this Ordinance" – resulting in suspension, revocation? Remember, language elsewhere confers very broad powers to the STR Administrator and they apply to "any" violation of the ordinance.

Page 19:

.120 Violations –

D. Failure to comply with the "substantive or operational standards in Sections .080,.090.100 or any conditions attached to a particular STR license." - too broad; the penalties are spelled out in the subsections. This creates a new separate ground for "violations" that is also a civil infraction; it could result in very serious penalties, but causes and basis are defined elsewhere.

.130 Penalties –

A. "In addition to the fines and revocation procedures described in this Ordinance..." - what does this mean?

Page 20:

4. "...other violations of this Ordinance of sufficient severity "in the reasonable judgment of the STR Administrator, so as to provide reasonable grounds for immediate revocation of the license." - this is broad, and very subjective – one person has the authority to define what is "reasonable" and that interpretation could result in financial and civil penalties, and a revocation of the STR license. References to "reasonable judgement" should be eliminated and replaced with simple, clear descriptions of violations.

Cc: Draft Ordinance, 5.17.23, as posted on County Web Site. Highlights in yellow correspond to captions in this memorandum.

Short-Term Rental Ordinance

- 010.....Title
- 020.....Purpose and Scope
- 030.....Definitions
- 040.....Annual Short-term Rental ~~Registration-Certificate~~License Required, Basic Requirements for a ~~Registration-Certificate~~License, No Nonconforming Use Status Conferred
- 050.....Application and Fees
- 060.....Term of Annual ~~Registration-Certificate~~License and Renewal
- 070.....Application Required and Burden for ~~Registration~~-License Approval and Renewal
- 080.....Operational Requirements and Standards for Short-Term Rentals
- 090.....Additional Inspections Required
- 100.....Additional Requirements and Prohibitions
- 110.....Implementation of this Ordinance and Application to Short-Term Rentals ~~Registered~~ Licensed 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~~ licensing of short-term rental use of residential dwelling units, the purposes of which are to:
 - 1. Protect the health, safety and welfare of short-term and long-term renters, property owners, and neighboring property owners throughout Tillamook County.
 - 2. Balance the legitimate livability concerns of residential neighbors with the rights of property owners to use their property as they choose.

3. Provide visitors to Tillamook County with reasonable opportunities and a range of short-term rental and vacation occupancy options.
 4. Recognize the need to limit short-term rentals within neighborhoods to ensure compatibility with, and livability of, established owner-occupied neighborhoods, while recognizing the benefits of short-term rentals in providing recreation and employment opportunities, as well as transitional housing and business or hospital related short stays.
 5. Protect the character of the County's established neighborhoods by limiting the number, concentration, and scale of full-time short-term rentals in residential neighborhoods.
 6. Provide funding support for County housing development initiatives to address local affordable and workforce housing needs and increase availability of housing for people who want to live/work in Tillamook County.
- B. With the adoption of these regulations, the County finds that the transient rental of dwelling units has the potential to be incompatible with the residential neighborhoods in which they are situated and to have a damaging impact on the livability of those neighborhoods. Therefore, special regulation of dwelling units used for short-term rental, transient or vacation occupancy, is necessary to ensure these uses will be compatible with surrounding residential neighborhoods and will not materially alter the livability of the neighborhoods in which they are located.
- C. A short-term rental license is revocable permission to operate a short-term rental, but only as provided in this Ordinance. A license may be terminated, revoked or not renewed if the standards of this Ordinance are not met. This Ordinance provides the administrative framework for certification and the operation of short-term rentals and provides a process by which owners can appeal County decisions related to short-term rentals.
- D. The regulations in this Ordinance are not intended to permit any violation of the provisions of any other law or regulation. Any exemptions allowed by this Ordinance shall not exempt the short-term rental from any other applicable requirement, regulation or ordinance adopted by Tillamook County.
- E. The requirements of this Ordinance are not "land use regulations" as defined in ORS 197.015 or 195.300(14). The regulations contained in this Ordinance are not intended to, nor do they, implement the Tillamook County Comprehensive Plan, the Tillamook County Land Use Ordinance, nor do they implement any of the State-wide Planning Goals.
- F. The short-term rental use of a dwelling unit does not, in itself, require a home occupation permit.

G. *Administrative Rules.* The County's STR Administrator shall have the authority to establish administrative procedures and regulations consistent with the provisions of this Ordinance for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the provisions of this Ordinance. A copy of such administrative procedures and regulations shall be on file in the Office of the County Recorder and shall be posted on the County's website. Any such administrative rules and regulations shall be binding upon any owner, operator or registrant of a short-term rental and upon the Hearings Officer under Section .140.

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

- A. "Adoption of this Ordinance" means the date on which this Ordinance takes effect after adoption by the Board of County Commissioners.
- B. "Applicant" means an owner of a dwelling unit who applies to the County for a Short-Term Rental License.
- C. "Authorized agent" is a property management company or other entity or person who has been designated by the property owner, in writing, to act on their behalf. The authorized agent may or may not be the designated representative for purposes of contact for complaints.
- D. "Bedroom" means a room intended and permitted to be used for sleeping purposes (ORSC R202) that has all of the following attributes:
- Light, ventilation, and heating (ORSC R303.1)
 - A minimum of 70 square feet of floor space and not less than 7 feet in any horizontal dimension (ORSC R304.1). 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.
 - An emergency escape and rescue opening (ORSC R310)
 - A built-in closet, clothing closet organizer, armoire or similar clothing rack or clothing storage unit.
 - A smoke alarm (ORSC R314.3 item 1)
 - A carbon monoxide detector (ORSC R315.3) where required.
 - All sleeping areas used as a bedroom in a short-term rental must be permitted for that use, and no areas may be converted to a bedroom without demonstration of compliance with this Ordinance.
- E. "Change of Property Ownership" means the transfer of title from one person to another.
- F. "Contact Person" means the owner or the owner's designated agent for the Short-Term Rental, authorized to act for the owner on their behalf.
- G. "County" means Tillamook County, Oregon.

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H. County STR Administrator means the Director of the Department of Community Development vested with authority to administer, interpret and enforce the provisions of this Ordinance, or that person's designee.

I. "Daytime Occupancy" means the hours between 7:00am and 10:00pm. "Daytime occupants" mean the guests who may occupy a short-term rental during a daytime occupancy.

J. "Department" means the Tillamook County Department of Community Development.

K. "Dwelling unit" means a lawfully established single unit that provides complete independent living facilities for one or more people including permanent provisions for living, sleeping, eating, sanitation and one cooking area. "Dwelling unit" includes a single-family dwelling and a factory-built or manufactured dwelling that bears a valid certification of compliance with applicable manufactured dwelling standards. For purposes of this Ordinance, "dwelling unit" does not include an accessory dwelling unit (ADU), yurt, recreational vehicle or similar mobile structure, or motorized vehicle designed and built for temporary vacation use.

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L. "Enforcement Officer" means the Director of the Department of Community Development, County Building Official or their designee authorized to administer and enforce the County's civil ordinances and permits. Officer also includes the Tillamook County Sheriff, and the deputies and authorized representatives of these officials.

M. "Estate Home" means a single-family dwelling with five (5) or more bedrooms.

N. "Good Cause" for the purposes of denial, suspension, revocation, imposition of conditions, renewal and reinstatement of a Short-Term Rental License means (1) the Applicant, Owner or Contact Person has failed to comply with any of the terms, conditions, or provisions of this Ordinance or any relevant provision of a County code, State law, or any other rule or regulation promulgated thereunder; (2) the Applicant, Owner or Contact Person has failed to comply with any special conditions placed upon the Short-Term Rental License; or (3) the Short-Term Rental has been operated in a manner that adversely affects the public health or welfare or the safety of the immediate neighborhood in which the Short-Term Rental is located.

O. "Good Neighbor Policy" means a policy furnished by the County STR Administrator that summarizes general rules of conduct, consideration and respect, and includes without limitation provisions of this Ordinance applicable to or expected of guests occupying the Short-Term Rental.

P. "Nighttime Occupancy" means overnight occupancy between the hours of 10:00pm and 7:00am the next day. "Nighttime occupants" means the guests who may occupy a short-term rental overnight.

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P.Q. "Non-transient rental" means to rent a dwelling unit or room(s) for compensation on a month-to-month or longer basis.

Q.R. "Onsite Wastewater Division" means the Onsite Wastewater Division of the Department of Community Development.

R.S. "Onsite Wastewater Treatment System" means any existing treatment and dispersal system of residential wastewater.

S.T. "Owner" means the natural person or legal entity that owns and holds legal or equitable title to the property.

T.U. "Registrant" means the owner of a dwelling unit who holds a Short-Term Rental License.

U.V. "Renter" means a person who rents a short-term rental or is an occupant in the short-term rental. Renter includes the term "tenant".

V.W. "Road Authority" means the Tillamook County Public Works Department and the Oregon Department of Transportation (ODOT).

W.X. "Road Right-of-Way" means a public or private way that is created to provide ingress or egress for persons to one or more properties. The terms "street", "access drive" and "highway" for the purposes of this Ordinance shall be synonymous with the term "road right-of-way".

X.Y. "Serious Fire or Life Safety Risk" means a building code or ordinance violation involving those construction, protection and occupancy features necessary to minimize danger to life from fire, including smoke, fumes or panic, as well as other considerations that are essential to life safety.

Y.Z. "Short-Term Rental" or "STR" means the transient rental of a dwelling unit in its entirety for a period of 30 or fewer nights per 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.AA. "Short-Term Rental License" means the annual license required by Section .040, described in this Ordinance, and referred to as a "license."

AA.BB. "Short-Term Rental Hearings Officer" means the impartial judicial decision maker appointed by the Board of County Commissioners to hear and decide any alleged civil infraction under this ordinance and to render the County's final decision in any civil enforcement matter.

BB.CC. "Subject Property" means the property on which the short-term rental is located.

CC.DD. "Transfer" means a change in ownership of the property where the dwelling licensed as a Short-Term Rental is located that occurs after the effective date of this ordinance. A change in ownership does not include a change in owners on title resulting from death, divorce, marriage or inheritance.

DD.EE. "Transient rental" means to rent a dwelling unit for compensation on a less than a month-to-month basis.

FF. "Daytime" means between the hours of 7:00 am to 10:00 pm.

GG. "Overnight" means between the hours of 10:00 pm to 7:00 am the following day.

.040 Annual Short-Term Rental License Required, Basic Requirements for a License, No Nonconforming Use Status Conferred. No

owner of property in unincorporated Tillamook County may advertise, offer, operate, rent, or otherwise make available or allow any other person to make available for occupancy or use a short-term rental without a Short-Term Rental License. "Advertise or offer" includes through any media, whether written, electronic, web-based, digital, mobile, print media or any other form of communication.

A. License Must Be Obtained and Maintained. A Short-Term Rental License shall be obtained, maintained and renewed as prescribed in this Ordinance before a dwelling unit may be offered, advertised or used as a short-term rental. A Short-Term Rental License in unincorporated Tillamook County may be revoked for failure to operate a short-term rental in accordance with all requirements of the license or otherwise comply with the requirements of this Ordinance. It is a violation of this Ordinance to operate a short-term rental without a valid license.

B. No Nonconforming Status Conferred. The fact that an owner of property or other entity may hold a license on the date of adoption of this Ordinance, does not confer a property right, land use permit, or nonconforming use status under ORS 215.130 to continue operation of a short-term rental. Operation, advertisement or offering a dwelling unit for short-term rental use, in all cases, requires a valid license.

C. Cap on Number of STR Licenses In Effect for Unincorporated Communities and Properties within City Urban Growth Boundaries. The County has established a limit on the number of STR Licenses that can be in effect at any one time for defined residential subareas within unincorporated Tillamook County. If at the time of STR application for a new STR license there is not room within the applicable subarea cap to accommodate the new STR license, the applicant will be placed on a waiting list and will be contacted by the STR Administrator as soon as there is room within the applicable subarea cap to review the STR application. The STR license application fee shall not be collected at this time, however the applicant shall pay a \$100 fee for the County to place the applicant on a waitlist.

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.050 License Application and Fees

A. The applicant or authorized agent shall provide and certify the following information to be true and correct at the time of initial application and upon annual renewal of a Short-Term Rental License thereafter:

1. *Owner/Applicant Information.* Applicant's name, permanent residence address, telephone number, and the short-term rental address and telephone number.
2. *Representative Information.* The applicant shall provide the name, working telephone number, address and email of the contact person (authorized agent) who can be contacted concerning use of the property or complaints related to the short-term rental, as set forth in Section .070.
3. *Site plan and floor plan.* The site plan shall be a scale drawing, which can be hand-drawn, showing property boundaries, building footprint, location and dimensions of parking spaces. The floor plan shall show in rough dimensions the locations and dimensions of all bedrooms in the dwelling unit or single-family dwelling.
4. *Proof of Liability Insurance.*
5. *Proof of Garbage Service.*
6. *Proof of Access.* The applicant shall provide proof of an approved road approach for the subject property from the local road authority, where applicable.
7. *Notice to Neighbors.* The applicant shall provide notice of use of a property as a short-term rental to owners of neighboring properties adjacent to the rental property. Notification can be completed by mail or distributed by hand and shall contain the address of the rental property, the number of allowed bedrooms and maximum occupancy, and the name and contact information of the owner or representative who can respond to complaints about operation of the short-term rental. A written statement confirming notice to neighbors has been completed shall be submitted to the Department prior to issuance of a Short-Term Rental License.

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

8. *Documentation of Compliance with Operational Standards.* To be deemed complete, an application shall include documentation that the short-term rental meets the operational standards in Sections .080 and .100.

9. *Transient Lodging Tax Registration.* Evidence of transient lodging tax registration with the County for the short-term rental.
 10. *Executed Indemnification and Hold Harmless Agreement.* An agreement on a form furnished by the Department of Community Development stating that the property owner agrees to indemnify, save, protect, hold harmless, and defend Tillamook County, individually and collectively, and the County's representatives, officers, officials, employees, agents and volunteers from any and all claims, demands, liabilities, or costs at any time received, incurred, or accrued as a result of, or arising, out of the Owner's actions or inaction in the operation, occupancy, use, and/or maintenance of the property.
 11. Such other information as the County's STR Administrator deems reasonably necessary to administer this Ordinance.
- B. *Inspections.* The applicant shall specifically acknowledge and grant permission for the County's STR Administrator to perform an inspection of the short-term rental.
1. The County's STR Administrator may conduct a site visit upon an application for a Short-Term Rental License or renewal to confirm the number of bedrooms stated on the application, the number, location, availability and usability of off-street parking spaces, and compliance with all other application and operational requirements of this Ordinance. The site visit will be coordinated with the applicant, conducted during normal business hours, and with reasonable notice.
 2. The County's STR Administrator may visit and inspect the site of a short-term rental at any time during the operation of the short-term rental to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice and other procedural safeguards as necessary. Violations of this Ordinance shall be processed in accordance with Section 120.
- C. *Incomplete Application.* If a short-term rental application does not include all required information and documentation, the application will be considered incomplete and the County will notify the applicant, in writing, explaining the deficiencies. If the applicant provides the missing required information within 21 calendar days of the date of the incomplete notice, the application will be reviewed. If the applicant does not provide the required information within 21 days of notice, the application will be deemed null and void.
- D. *Licensing Fees.* The fee for application for a Short-Term Rental License or license renewal shall be as established by resolution of the Board of Commissioners, but shall not be less than the following amounts:

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1. Application fee of not less than \$400, consisting of an application fee and an inspection fee.
2. An annual renewal fee of not less than \$300.
3. If the property fails the initial inspection or fails the required every 3-year inspection, an additional follow-up inspection fee of \$100 is required for each follow-up inspection.
4. Any alteration to an existing Short-Term Rental License shall be subject to a review fee of not less than \$100. Alterations requiring a reinspection of the STR shall also be subject to a \$100 reinspection fee.

.060 Term of Annual License and Renewal

- A. *Term.* A Short-Term Rental License is valid for one year (12 months) and shall automatically expire if not renewed on or before the anniversary date of each ensuing year. If the contact person (authorized agent) changes during the 12-month period, the property owner or authorized agent shall notify the County in writing of the change within thirty (30) days of the change and provide all new contact and tax payment information. Change of contact person is an alteration to an existing Short-Term Rental License and shall be subject to a fee of not less than \$100.
- B. *Transferability of STR Licenses.* Any STR License existing at the time of adoption of this Ordinance is eligible for one (1) transfer to another person or entity. The current license holder or authorized agent shall notify the STR Administrator of the change in property ownership within sixty (60) days of the change. All subsequent changes in property ownership shall require a new STR License subject to then-current ordinance provisions.
STR Licenses issued after the adoption of this Ordinance are not transferable when property ownership changes.

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

- A. *Application Required.* Applications for a Short-Term Rental License be on forms provided by the County, demonstrating the application meets the standards required by this Ordinance.
- B. *Burden of Proof.* The applicant has the burden of proof to demonstrate compliance with each applicable criterion for initial approval or annual renewal of the Short-Term Rental License. The approval criteria also operate as continuing code

compliance obligations of the owner/contact person. County staff may verify evidence submitted and statements made in support of an application, and the applicant shall cooperate fully in any such inquiries. For the initial application renewal every three years thereafter, the applicant must also comply with the requirements of Subsection .090.

- C. *Responsibility.* The applicant shall certify that all information provided is correct and truthful. It is the applicant's responsibility to assure that the short-term rental is and remains in compliance with all applicable codes regarding fire, building, health and safety regulations, and all other relevant laws.
- D. *Parking.* Proof of required off-street parking shall be required as follows:
1. One (1) all-weather travel surface parking space shall be provided for every bedroom in the dwelling unit. If a garage is used to meet the parking requirement, a photo of the interior of the garage shall be submitted at the time of application and renewal to show the garage is available and large enough for vehicle parking. All required parking shall be on-site (off-street) except as follows:
 - a. Required parking may be permitted on another or different property within 500 feet of the subject property with a legally binding shared parking agreement or proof of legal parking access that remains valid for the length of time the subject property has a Short-Term Rental License.
 - b. Up to two (2) required parking spaces may be satisfied with on-street parking provided on-street parking is within 100-feet of the subject property boundaries and authorized by the Tillamook County Public Works Department. On-street parking spaces shall be a minimum size of 8-feet by 20-feet each. On-street parking proposals shall be reviewed by the Tillamook County Public Works Department. Written authorization of the parking spaces shall be submitted to the Department at the time of application submittal.
 - c. Designated parking is available for guests within a private development where authorization for use of parking in conjunction with a STR has been granted by the development Homeowner's Association (HOA). Written authorization from the HOA confirming use of off-site parking shall be submitted to the Department at the time of application submittal. The number and location of parking spaces authorized to be utilized in conjunction with the STR shall be included in the written authorization.
 2. Each off-street parking space shall be a minimum of 8-feet by 16-feet and configured in a manner that ensures parking spaces are accommodated within the property boundaries.
 3. No STR property shall have more than six (6) parking spaces total for overnight guests. Two (2) additional parking spaces may be allowed for daytime guests. Parking shall not, under any circumstances, hinder the path of any emergency vehicle.

- 4. Access to approved parking spaces shall be designed to limit access onto the property through the defined road approach. Alterations to the road approach for purposes of off-street parking is subject to review and approval by the local road authority.
- 5. A parking diagram of the approved parking spaces shall be provided to renters and shall be posted in a prominent location within the short-term rental dwelling unit. The contact person shall direct renters to the parking diagram for the rental property to ensure use of off-street parking are prioritized when using the short-term rental.

E. *Transient Lodging Tax Compliance.* The property owner shall be in compliance with Tillamook County Transient Lodging Tax Ordinances 74 (as amended) and 75 (as amended) and subject to the Tax Administrator's authority provided therein.

F. *License Approval and Annual Renewal Standards.* To receive approval, license renewal, or maintain a license, an applicant must demonstrate with a preponderance of credible relevant evidence that all of the requirements and standards in Section .080 are satisfied.

G. *Initial and Every Third Year Renewal Inspections.* To merit approval of an initial (first year) Short-Term Rental License following adoption of this Ordinance and at the time of renewal request every third year thereafter, the applicant must obtain and provide to the County evidence of the satisfactory inspections described in Section .090.

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.080 Operational Requirements and Standards for Short-Term Rentals. To qualify to obtain or retain a license, the contact person and the short-term rental must comply with the following operational requirements and standards. Failure to comply could be grounds for denial, non-renewal or revocation of a Short-Term Rental License.

A. *Maximum Occupancy.* The maximum nighttime occupancy for a short-term rental shall be limited to two (2) persons per bedroom plus two (2) additional persons. For example, a two-bedroom short-term rental is permitted a maximum nighttime occupancy of six (6) people plus up to three (3) children, age 12 or under, to occupy the short-term rental in addition to the maximum number of occupants otherwise provided in this Subsection. The number of bedrooms of a short-term rental shall be verified at the time of license renewal and upon physical inspection of the short-term rental

B. *Regardless of the number of bedrooms, the maximum nighttime occupancy of an STR shall not exceed 10 (ten) persons plus three (3) children aged twelve (12) and under.*

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C. The owner of an Estate Home shall be exempt from subsection (B) of this section and is allowed a maximum nighttime occupancy of up to fourteen (14) persons plus up to

and is allowed a maximum nighttime occupancy of up to fourteen (14) persons plus up to three (3) children, age 12 or under, to occupy the short-term rental.

- D. The maximum daytime occupancy for any short-term rental shall be limited to the nighttime maximum occupancy plus six (6) additional people. For example, a two-bedroom dwelling unit is permitted for a maximum daytime occupancy of twelve (12) people.
- E. *Off-street Parking Spaces Required.* One (1) off-street vehicle parking space is required per bedroom in accordance with Section 070 of this Ordinance. All of the required notices and placards required by this Ordinance shall require the renters to park on-site and to not park on the street, even if on-street parking is otherwise available. The property owner of a short-term rental may contract with owners of other property within 500 feet of the perimeter of the rental property and enter into a shared parking agreement to accommodate no more than two (2) parking spaces to satisfy this requirement. Where licensing relies on contractual off-site parking arrangements, the property owner shall provide proof of availability in the form of a legally binding contract for the off-street parking for the duration of time the rental property has a Short-Term Rental License.
- F. *Noise.* Use of any radio receiver, musical instrument, phonograph, loudspeaker, sound amplifier, or device for the producing or reproducing of sound shall be done in a manner that does not result in unreasonable or unreasonably sustained noise beyond the property lines of the subject property where the short-term rental is located. Complaints of unreasonable or unreasonably sustained noise shall be responded to within 30 minutes of receipt of the complaint by the contact person for the short-term rental. Failure to respond shall be considered a violation of this ordinance and subject to the provisions of Section 130.
- G. *Quiet Hours.* The hours of 10:00p.m. to 7:00a.m. the following day are quiet hours, and there shall be no amplified music or unreasonable noise during quiet hours that can be heard beyond the property boundaries of the short-term rental property. Noise complaints during quiet hours shall be responded to within 30 minutes of receipt of the complaint by the contact person for the short-term rental. Failure to respond shall be considered a violation of this ordinance and subject to the provisions of Section 130.
- H. *Zoning Compliance.* The property shall be in compliance with all applicable County zoning requirements and any development permits related to the subject property. If the property owner claims any sort of non-conforming use status for any aspect of the property or structures thereon, the property owner shall obtain a nonconforming use verification for those aspects through an appropriate land use decision making process. In no event shall this Ordinance be construed as a land use or development regulation, nor does prior operation of a short-term rental give rise to a nonconforming use right under the County's land use ordinance.
- I. *No unpermitted improvements or bedrooms.* All electrical, structural, plumbing, venting, mechanical and other improvements made to a licensed short-term rental shall

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be fully permitted. Electrical work shall be performed by a State or Oregon licensed electrician. Any sleeping area used as a bedroom shall be inspected and permitted in accordance with the provisions of this Ordinance. Areas not approved for use as a bedroom shall be locked and secured as deemed appropriate by the STR Administrator, and shall not be utilized as part of the short-term rental. Areas not approved for use as a bedroom shall not be included in the maximum occupancy calculation for the short-term rental. The contact person shall notify every renter, in writing, that the non-compliant bedroom may not be used for sleeping.

- J. *Contact Information.* Each registrant shall provide the name and contact information of a contact person that will be available to be contacted about use of the short-term rental during and after business hours and on weekends (24 hours a day, 7 days a week). The contact person shall respond/answer immediately to a phone call complaint about operation of the short-term rental and must be able to arrive on site at the short-term rental within 30 minutes if a phone call is not sufficient to remedy all alleged operational problems. The registrant may change the contact person from time to time during the term of licensing, but only by revising the license information with the County at least 14 days prior to the change's effective date, except when the failure to do so is beyond the registrant's control. Failure to maintain current and correct contact information for the contact person with the County, failure of the contact person to respond immediately to a telephone call complaint, or failure to arrive at the property within 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 license application and renewal. The contact person shall be responsible for completing the fire safety checklist as part of the renewal process to ensure continued compliance.
A copy of the signed fire safety checklist shall be submitted to the Department prior to issuance or renewal of a Short-Term Rental License and may require further demonstration or proof for a renewal at the County STR Administrator's discretion.
1. At least one functioning fire extinguisher shall be accessibly located within the short-term rental dwelling unit. Extinguisher must be in a visible and placed in a secured location to ensure it is accessible to renters at all times.
 2. All electrical outlets and light switches shall have face plates.
 3. The electrical panel shall have all circuits labeled.
 4. Ground Fault Circuit Interrupter (GFCI) protected receptacles shall be provided at outdoor locations and at kitchen and bathroom sinks.
 5. Smoke detectors shall be placed and maintained in each bedroom, outside each
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Smoke detectors shall be placed and maintained in each bedroom, outside each bedroom in its immediate vicinity and in each additional story and basement without a bedroom.

6. A carbon monoxide detector/alarm device shall be placed and maintained in each bedroom and within 15 feet outside of each bedroom door.
7. All fireplaces, fireplace inserts, and other fuel burning heat sources shall be properly installed and vented.
8. All interior and exterior stairways with 4 or more steps and that are attached to the structure, shall be equipped with a handrail.

—All interior and exterior guardrails, such as deck railings, shall be able to withstand a 200-pound impact force.

10. Exterior hot tubs shall have adequate structural support and shall have a locking cover or other barrier to adequately protect against potential drowning when a hot tub is not available for permissive use.

11. Exterior lighting shall be directed in a downward direction to prevent glare onto adjacent properties.

12. The house number shall be prominently displayed and maintained, and be visible from the street.

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L. Emergency Escape and Rescue Openings for bedrooms:

1. For all dwelling units constructed after the adoption of this Ordinance, every bedroom shall have at least one operable emergency escape and rescue opening. Sill height shall not be more than 44 inches above the floor. Openings shall open directly into a public way or to a yard or court that opens to a public way. Minimum net clear opening at grade floor openings shall be 5 square feet and 5.7 square feet at upper floors. Minimum net clear height is 24 inches and net clear width is 20 inches.
2. For all dwelling units constructed prior to the adoption of this Ordinance, every bedroom shall have at least one operable emergency escape and rescue opening that has been inspected and approved by the Tillamook County Building Official pursuant to the currently-adopted Oregon Residential Specialty Code.

M.2. Solid Waste Collection – minimum service requirements. The property owner shall subscribe to and pay for weekly solid waste collection service by the local franchise hauler with assisted pick-up provided by the franchise. For the purposes of this section, assisted pick-up means the collection driver retrieves the cart from the driveway, rolls it out for service, and then places it back in its original location. The owner shall provide garbage containers with securable covers in compliance with franchise requirements that ensure the collected solid waste is not susceptible to wildlife intrusion and weather

elements. All placards and notices to renters shall include the requirement that renters shall dispose of all household garbage in the containers and keep them covered/secured. Garbage, recycling or any other waste products shall not be placed outside of designated carts/cans.

N.3. Interior Mandatory Postings. Mandatory postings issued by the County (or a copy thereof) for the short-term rental shall be displayed in a prominent location within the interior of the dwelling unit adjacent to the front door. Mandatory postings include the following:

1. The Short-Term Rental License registration number to confirm a license has been issued by Tillamook County, with the date of expiration. The license shall include the following information:
 - a. The number of bedrooms and maximum occupancy permitted for the short-term rental;
 - b. The number of approved parking spaces;
 - c. Any required information and conditions specific to the Short-Term Rental License;
 - d. The non-emergency telephone number for the County's STR Hotline in the event of any problems at, or complaints about, the short-term rental.
2. For those properties located within a tsunami inundation zone, a copy of an Oregon Department of Geology and Mineral Industries (DOGAMI) Tsunami Evacuation Brochure shall be posted in a visible location as close as possible to the main entrance of the short-term rental. The brochure shall be furnished by the Tillamook County Department of Community Development at the time of Short-Term Rental License issuance and renewal.
3. Good Neighbor Policy and Guidelines. The property owner and contact person shall acknowledge the County's Good Neighbor Policy, shall post them in every short-term rental.

O.4. Exterior Mandatory Posting. Exterior signage shall be installed outside of the dwelling unit and shall be of adequate size so that the following required information on the exterior sign is easily read from the road right-of-way:

1. The Short-Term Rental License registration number to confirm a license has been issued by Tillamook County, with the date of expiration;
2. The non-emergency telephone number for the County's STR Hotline in the event of any problems at, or complaints about, the short-term rental;
3. The property address;

4. The name of the contact person (or entity) and a telephone number (optional).

P.5. No recreational vehicle, vurt, 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 a recreational vehicle is permitted in conjunction with a short-term rental.

Q.6. No Accessory Dwelling Unit (ADU) permitted after the date of adoption of this Ordinance shall be used as a short-term rental or in conjunction with a short-term rental.

.090 **Additional Inspections Required.** To merit approval of an initial (first year) Short-Term Rental License following adoption of this Ordinance and for renewal every third year thereafter, the applicant shall obtain the following inspections and a satisfactory report for each and pay any fee(s) that may be required to obtain the inspection and report:

- A. *Inspection Required.* The owner of the short-term rental dwelling unit shall obtain an inspection by the local building inspector to inspect the dwelling unit and determine that the dwelling unit meets current requirements of the International Building Code, including compliance with applicable fire and life safety code requirements for occupancy of the dwelling unit as a short-term rental. Inspection shall also confirm there have been no unpermitted improvements, modifications or additions to the dwelling unit. The inspection and certification shall include compliance with electrical, structural, and ventilation requirements. A Short-Term Rental License shall be not issued until the short-term rental passes inspection by the County Building Inspector.
- B. *Reinspection Requirements.* In any case where an inspection is not approved by the County Building Inspector, the County Building Inspector shall allow thirty (30) days for minor repairs or sixty (60) days for major repairs, at the completion of which the owner or authorized agent must call the Tillamook County Department of Community Development for a re-inspection. The re-inspection fee adopted in the Community Development fee schedule shall apply. If the repairs identified in the original inspection are not rectified at the time of re-inspection and within the specified timeframe, the application shall be invalidated, and the property owner must reapply and pay the requisite application and inspection fees.
- C. *On-site Septic System Inspection.* Unless the dwelling unit is served by a public or community sanitary sewer system, the existing on-site wastewater treatment system (system) must be capable of handling the wastewater flows expected to be generated based on the allowed number of bedrooms in the dwelling unit and the maximum number of occupants. Demonstration of system adequacy is required at the time of STR application submittal.
 1. If the system was installed more than five (5) years from the time of STR application submittal, the property owner shall obtain an Authorization Notice (AN) from the Department Onsite Wastewater Division. Included in the authorization must be information to allow a calculation of the number of allowed bedrooms based on the

capacity of the septic system. Final determination of the capacity and suitability of the septic system shall be made by the Onsite Environmental Program Manager (or their designee) and will share the determination with the County STR Administrator. An ESER (Existing System Evaluation Report) meeting these standards and conducted within five (5) years of the date of the Short-Term Rental application or renewal may be submitted to fulfill this requirement.

2. If the Onsite Environmental Program Manager identifies any deficiencies in the system, the property owner shall cure/correct the deficiencies within 60 days of the date of review of an ESER or AN, or within the specified timeframe for completion of the reinspection as specified in subsection B above, whichever occurs first. A Short-Term Rental License shall not be issued under this section until after repairs are made and approved by the County. If the owner fails to cure the deficiencies within the time required, the Short-Term Rental application shall be denied.
3. The initial AN or ESER for an existing short-term rental is required in accordance with a phasing plan adopted by the County, but no later than December 31, 2024. After an initial AN or ESER is obtained, the property owner shall thereafter be required to conduct periodic maintenance of the system, undertaken by a DEQ authorized contractor, which at a minimum shall include inspection of the system (and as needed, pumping or repairs) prior to renewal of the Short-Term Rental License. The Onsite Wastewater Division is the delegated authority to determine the periodic maintenance requirements specific to the types of systems in use, including the intervals at which the maintenance will be required. These requirements shall be made available to the public, registrants/property owners and DEQ authorized contractors. The required report on maintenance shall be provided to the Onsite Waste Division for review in a format as developed by the Division. The report shall be required before the owner can renew certification of the dwelling unit.

.100 Additional Requirements and Prohibitions. The following are on-going requirements for the operation of all STRs in the Unincorporated Tillamook County.

- A. *Advertising and Short-Term Rental License Registration Number.* The property owner or contact person shall put the annual registration number on all advertisements for the specific property wherever it is advertised for rent.
- B. *Complaints.*
 1. *Response to Complaints.* The contact person shall respond to neighborhood questions, concerns, or complaints in a reasonably timely manner depending on the circumstances and shall ensure to the best of their ability that the renters and guests of the short-term rental do not create unreasonable noise disturbances, engage in disorderly conduct, or violate the provisions of local ordinances or any state law.

2. *STR Hotline.* The contact person shall respond by telephone within thirty (30) minutes to complaints from or through the Hotline and shall respond in-person within thirty (30) minutes to any additional or successive complains regarding the condition, operation, or conduct of occupants of the short-term rental. Unresolved complaints shall result in an immediate violation of this Ordinance.

2. *Record of Response.* The property owner or contact person shall maintain a record of complaints and the actions taken in response to the complaint, if relevant, in an electronic or written manner deemed reasonable to document the interaction. This record shall be made available for County inspection upon request to investigate all complaints.

C. *Inspection.* Upon application for a Short-Term Rental License, all short-term rentals shall be subject to inspection by the County STR Administrator for compliance with this section.

1. The County's STR Administrator may conduct a site visit upon an application for operation of a short-term rental to confirm the number of bedrooms (as defined by this Ordinance) stated on the application and the number, location and availability and usability of off-street parking spaces. The site visit will be coordinated with the applicant or contact person, shall be conducted during the normal business hours, and with reasonable notice.

2. The County's STR Administrator may visit and inspect the site of a short-term rental to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice and other procedural safeguards as necessary. Code violations shall be processed in accordance with Section .120 and the County's Civil Enforcement procedures.

D. *Specific Prohibitions.* The following activities are prohibited on the premises of a short-term rental during periods of transient rental:

1. *Events.* Events and activities that exceed maximum overnight or daytime occupancy limits.
2. Events and activities for which a Temporary Use Permit is required and has not been issued.
3. Unattended barking dogs.
4. Activities that exceed noise limitations contained in this Ordinance.

.110 Implementation of this Ordinance and Application to Short-Term Rentals Licensed on the Date of its Adoption. All new/initial Short-Term Rental Licenses issued after the date this Ordinance is adopted shall implement and comply with all provisions in this Ordinance. This section shall govern the implementation and applicability of this Ordinance to short-term rentals that are lawfully

established, licensed and operating on the date of adoption of this Ordinance (Lawful Pre-Existing Short-Term Rentals).

.120 Violations. In addition to complaints related to nuisance and noise and other violations of 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 License.
- B. Representing, advertising or holding-out a dwelling unit as available for occupancy or rent as a short-term rental where the owner does not hold a valid Short-Term Rental License issued under this Ordinance.
- C. Advertising or renting a short-term rental in a manner that does not comply with the standards of this Ordinance.
- D. Failure to comply with the substantive or operational standards in Sections .080, .090, .100 or any conditions attached to a particular Short-Term Rental License.

.130 Penalties.

- A. In addition to the fines and revocation procedures described in this Ordinance, any person or property owner who uses, or allows the use of, or advertises, the property in violation of this Ordinance is subject to the enforcement authority of the STR Administrator.
- B. Each 24-hour period in which a dwelling unit is used, or advertised, in violation of this Ordinance or any other requirement or prohibition of the Tillamook County Code shall be considered a separate occurrence and separate violation for calculation of the following fines:
 1. The first occurrence of one or more violation(s) will incur a warning with no monetary penalty.
 2. A second occurrence of one or more violation(s) within a 12-month period is subject to a fine up to \$250 per violation.
 3. A third occurrence and all subsequent occurrences of violation(s) within a 12-month period shall be subject to a fine up to \$500 per violation.
- C. *Revocation & Suspension.* The following actions are grounds for immediate revocation or suspension of a Short-Term Rental License and cessation of use of the dwelling unit for short-term tenancy:
 1. Failure to renew a Short-Term Rental License as required by Section .060 while continuing to operate a short-term rental.

2. Three (3) or more verified violations of any local ordinance, state or federal regulation within a 12-month period.
3. The discovery of material misstatements or that the license application included false information for a Short-Term Rental License or renewal shall be grounds for immediate revocation of the license.
4. Such other violations of this Ordinance of sufficient severity in the reasonable judgment of the STR Administrator, so as to provide reasonable grounds for immediate revocation of the license.
5. Upon an emergency suspension or revocation of a Short-Term Rental License deemed necessary by the STR Administrator for public health and/or safety reasons, short-term rental activity shall cease immediately. If suspended, the short-term rental shall not be rented or used as a short-term rental until the emergency that exists has been resolved to the satisfaction of the STR Administrator.

D. *Notice of Decision, Appeal/Stay.* If the property owner is fined or a Short-Term Rental License is revoked as provided in this section, the STR Administrator shall send written notice of such action to the property owner stating the basis for the decision. The notice shall include information about the right to appeal the decision and the procedure for filing an appeal. The property owner may appeal the STR Administrator's decision under the procedures in Section .140.

.140 Appeals of County Decisions Regarding Short-Term Rentals. Any decision by the County approving, denying, revoking or sanctioning a Short-Term Rental License may be challenged, if at all, only pursuant to this section.

- A. *Filing Requirements – Notice.* The property owner or authorized agent may appeal a decision to approve, renew, deny or revoke a Short-Term Rental License.
- B. *Authority to Decide Appeal.* The STR Hearings Officer shall be responsible for deciding all appeals under this Ordinance.
- C. *Time for Filing.* A property owner or authorized agent shall file a written notice of appeal, including a written description of the legal basis for the appeal, no later than 14 calendar days after the license application, license renewal or other determination being appealed was issued. This requirement is jurisdictional, and late filings shall not be accepted.
- D. *Fee for Appeal.* The County shall establish a fee for filing and appeal hearing of not less than \$500 under this section, payment of which shall be a jurisdictional requirement.

- E. *Procedures.* The County's STR Administrator may establish administrative procedures to implement the appeal process provided in this section, including any required forms. The STR Administrator may adopt procedures for hearings not in conflict with this section, including but not limited to time limitations on oral testimony and on written argument.
- F. *Hearing.* Within 35 days of receiving the notice of appeal, the STR Administrator shall schedule a hearing on the appeal before the STR Hearings Officer. At the hearing, the appellant shall have the opportunity to present evidence and arguments as may be relevant.
- G. *The Record on Appeal.* The STR Hearings Officer's decision shall be based upon the record, which shall include all written documents associated with the file that is the subject of the appeal, including all Transient Lodging Tax records, complaints about the short-term rental operation.
- H. *Standard of Review and Decision.* The STR Hearings Officer shall determine whether the County's decision was based on a preponderance of the evidence or the correct interpretation of the requirements of this Ordinance. A decision of the STR Hearings Officer shall be based on the evidence in the record and be issued in writing within 30 days after the record closes. The STR Hearings Officer may uphold the County's decision, uphold the decision with modifications or reverse the County's decision. If the STR Hearings Officer upholds a decision to revoke the Short-Term Rental License, the Hearings Officer shall order the property owner to discontinue operation of the dwelling unit as a short-term rental immediately. If the Hearings Officer reverses a decision to revoke the Short-Term Rental License, operation of the short-term rental may continue under the Short-Term Rental License.
- I. *Finality.* The STR Hearings Officer's decision shall be final on the date the decision is mailed to the appellant. The STR Hearings Officer's decision is the County's final decision on the matter and is appealable only by writ of review to Tillamook County Circuit Court.

.150 *Severability.* If any section, subsection or provision of this Ordinance is declared by a court of competent jurisdiction to be unlawful, preempted or unenforceable, that declaration shall not affect the validity and enforceability of the remaining sections.

Lynn Tone

From: Public Comments
Sent: Monday, May 22, 2023 1:43 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Ordinance 84 comment

Importance: High

From: Jean Sandlin <sandlin1@mac.com>
Sent: Monday, May 22, 2023 1:32 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Ordinance 84 comment
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.]

RE: Exemption needed for Proposal Rock Inn and Neskowin Lodge in revised ordinance #84

Thank you for the work that has been done to date revising Ordinance #84.

Although we agree that the ordinance is in need of review and appreciate homeowners in residential neighborhoods who have concerns re: short term rentals, there is one important area that is not addressed and it is a revision that both sides are likely to agree.

The Problem: The Proposal Rock Inn and Neskowin Lodge properties in Neskowin are zoned NESK-C commercial. When one property manager managed the individual units as a single property, all units were covered under one permit. However, now that individual owners can seek their own property managers, each individual unit must have its own STR permit. If the County puts blanket caps on STR permits, that would impact the lodge and inn areas - which are designed to be used in this manner.

The Solution: Exempt properties located in areas zoned Nesk C - commercial from the cap, and allow all the Neskowin Lodge and Proposal Rock properties to access and maintain STR permits if the individual units meet the county's safety guidelines.

This approach would still foster new income for the county, since the STR permits would still be required (and would have to be purchased annually), keep visitors safe, and it would give both the County and Neskowin an economic boost by being able to host tourists.

Thank you for your consideration as you make revisions to Ordinance #84.

Jean and Ernie Sandlin
48988 Highway 101 S, #131
Neskowin, OR

To: Tillamook Board of County Commissioners

We are generally supportive of most of the requirements that are included in Tillamook County's draft short term rental (STR) ordinance, particularly those pertaining to safety, noise, parking, and garbage. However, we request that condominium properties such as the Breakers and Pacific Sands in Neskowin be grandfathered from some requirements, such as STR permits being capped or being limited to only one ownership transfer. We are puzzled how properties that were specially designed for and have always been STR properties for decades can suddenly be contributing to livability issues. These condominiums are set aside from the main roads with off-street parking and separate grounds for the guests and owners. Until recently most were managed with live in managers.

We have attached a brochure from the 1970's that illustrates that the Breakers has always been a complex of townhomes available for vacation rentals. The Breakers has a fifty-year history of STR's and other condominiums in Neskowin have an even longer STR history. Please consider exempting these types of condominium properties that have always been used as STR's from some of the permit requirements.

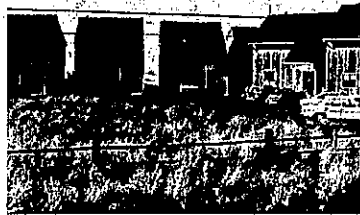
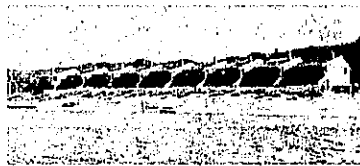
Sincerely Kathy Hamel and Peter Birch (our family has a 46-year history of owning Breakers unit #9)

THE BREAKERS

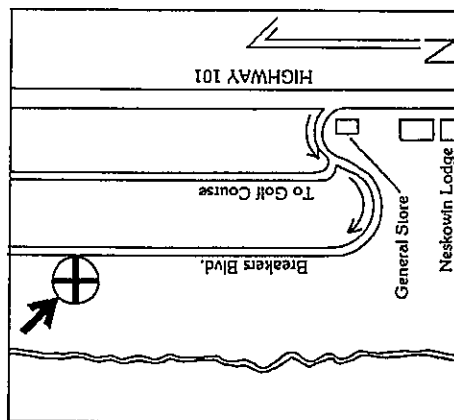
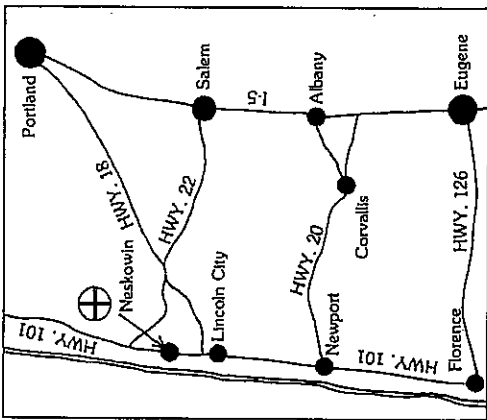
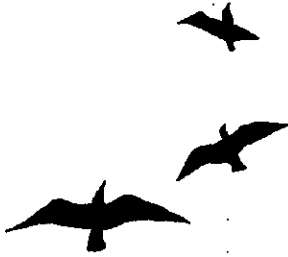
Enjoy a week or a weekend on the beautiful Oregon Coast at the Breakers, Neskowin, Oregon . . . 15 minutes north of Lincoln City.

- Golf** . . . two 9-hole courses
- Beachcombing**
- Bicycling & Horseback Riding**
- Surfing & Swimming**
- Coffee Shop . . . Lounge and Restaurant** within walking distance
- 15 minutes from the shops and restaurants of Lincoln City**
- 11 Complete Condominium units** . . . right on the beach
 - 3 Bedrooms (sleeping accommodations vary in each unit)
 - 2 Full Bathrooms
 - Kitchen Facilities (including dishwasher, cooking and eating utensils)
 - Color TV
 - Fireplace (with daily delivery of firewood)
 - Full picture window and deck views of the ocean

The Breakers
Neskowin, Oregon • (503) 392-3417



THE BREAKERS



The Breakers P.O. Box 837, Neskowin, Oregon 97149 (503) 392-3417

I would like to reserve _____ unit(s) for _____ nights beginning _____.

Name _____ No. in party _____ Unit requested _____.

Address _____ City _____ State _____ Zip _____.

Home Phone _____ Business Phone _____.

Approximate arrival time _____.

Enclosed in a check for \$ _____ for the first night's lodging.

Sorry, no credit cards. Rate \$45.00 per night, 4 people / \$3.00 per person over 4.

Lynn Tone

From: Public Comments
Sent: Thursday, May 18, 2023 1:18 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STRs in Neskowin

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

From: Lisa Barber <proposalrockinn322@gmail.com>
Sent: Thursday, May 18, 2023 1:04 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STRs in Neskowin

[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 own a unit in Proposal Rock Inn in Neskowin. When we purchased in 2019, the units were managed by the team in the office. That has changed.

I grew up with a house in Neskowin and consider this a very important part of my life. I was married by Proposal Rock. My parents eventually sold our house on the 2nd tee - the house with the bunkhouse.

My family was key to the start of the 4th of July parade (and renaming it to a walkabout), the first flag raising, the fireworks, and all that we associate with the 4th of July. I have never missed the 4th of July in Neskowin. Finally my husband and I were able to purchase our place in 2019. We rely on STR income to keep our place as we don't live close enough to use it as much as we'd like. Many STR owners are embedded deeply in this town, not every one is here for the income.

I understand the concerns with the larger STRs but feel those issues are not relevant to PRI. We have managed our STR for years, have never had any complaints or damage from guests. We have ample parking, garbage management, and never seem to attract noisy guests. For our unit, we choose to offer one night stays. More work for us but a valuable benefit to people traveling through our beautiful town.

I fear limiting STRs in PRI related to being in the commercial zone would be detrimental to Neskowin, local business, and limit others from enjoying and discovering this very special town.

Thank you for listening
Lisa Barber/ Mark Clemens. PRI 322

Smile! It makes people wonder what you've been up to!

Lynn Tone

From: Tillamook County OR <tillamookcounty-or@municodeweb.com>
Sent: Tuesday, May 23, 2023 12:38 PM
To: Lynn Tone
Subject: EXTERNAL: [Lynn Tone] 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.]

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

helo.. we are unable to attend the upcoming meeting regarding our property @ 4440 MxMinville St in Neskowin however we have plenty to comment about the preposed ordinance # 84- many of the suggested acts are an infringement on OUR rights as property owners. We feel there are many "full time" property owners who resent the fact that some of us need to rent our places and we speaking for ourselves "police" our rentals and have entrusted an agency to follow our wishes for the rental of our"STR"... WE PAY all the taxes and increasing , permits, and any other costs that occur with this property. What gives a committee the right to dictate HOW our property is managed WHEN it has not effected them? We have had other residence both STR and Full time owners voice harsh words about how some of these full time owners have told them how they should landscape, paint, or maintain THEIR property. Since as mentioned we cannot make the upcoming meeting we would appreciate a respond to this letter.

Lynn Tone

From: Christopher Beach <beachworks2@gmail.com>
Sent: Thursday, May 18, 2023 9:52 AM
To: Lynn Tone
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.]

1. **Disruption to communities:** One of my primary concerns is the disruption caused by transient visitors in my residential neighborhoods. The frequent turnover of short-term renters leads to increased noise, safety concerns, and a lack of community cohesion. It also creates a sense of instability as neighborhoods experience fluctuations in occupancy and unfamiliar faces.
2. **Housing affordability:** The rise of short-term rentals reduces the availability of long-term rental housing options, thereby driving up rental prices. Property owners find it more profitable to rent their properties on a short-term basis to tourists rather than offering them to local residents on a long-term basis. This reduced housing stock can exacerbate affordability issues, particularly in a community with high demand and limited supply.
3. **Impact on local economy:** Short-term rentals can negatively impact the local economy. When properties are taken off the long-term rental market in favor of short-term rentals, it reduces the housing options available for local workers and contributes to labor shortages. Additionally, if the profits from short-term rentals flow out of the local community (e.g., to absentee landlords or large corporate entities), it limits the economic benefits for local businesses and residents.
4. **Regulatory concerns:** The need for appropriate regulations to address issues related to short-term rentals is foremost. Without proper oversight, short-term rentals will lead to zoning violations, safety hazards, and non-compliance with tax regulations. The lack of regulations creates unfair competition for traditional lodging providers, such as hotels, who are subject to more stringent requirements. My concern is the negative effect of short-term rentals on the character of our neighborhood and others. The influx of short-term renters alters the residential nature of any community and leads to the commodification of neighborhoods. I worry about the over-tourism that is resulting from unregulated short-term rentals, which puts a strain on our local infrastructure, public services, and natural resources.

Chris Beach
www.beachworkscoaching.com

909-648-0018

Lynn Tone

From: Sarah Absher
Sent: Monday, May 15, 2023 10:14 AM
To: Lynn Tone
Subject: FW: Tillamook County Short Term Rental Pause

Please include with public comments to BOCC.

Thank You,



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: Lindsey Boccia <lindsey.boccia@gmail.com>
Sent: Sunday, May 14, 2023 7:10 PM
To: Mary Faith Bell <mfbell@co.tillamook.or.us>; David Yamamoto <dyamamoto@co.tillamook.or.us>; Erin Skaar <eskaar@co.tillamook.or.us>; Rachel Hagerty <rhagerty@co.tillamook.or.us>; Isabel Gilda <igilda@co.tillamook.or.us>
Subject: EXTERNAL: Tillamook County Short Term Rental Pause

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

Dear Councilors,

I'm asking for and need your help.

My family spent three years finding the perfect lot in Tillamook County and reading 1000 pages of tillamook County's comprehensive plan to make sure we were aligned with the County's goals. We confirmed we'd be able to rent the property once the cabin was built. It was the only way we could afford the dream. We purchased the land and spent an additional \$30,000 meeting all of the land use requirements / permit Fees that Tillamook county wanted us to go through to get our permit.

Once the permit was finally in hand (pre pandemic) two things happened: 1.) pandemic pricing doubled the estimate of the home we had permitted, pricing us out of our own permit. We had to scale down plans to a modular unit 40 x 14. 2.) after we spent years / our savings, tillamook County formed this committee to limit STR's.

We have a family of four - My husband and I both work and we have good jobs. However, the cost of our primary house, daycare, groceries, saving for college etc. etc. make it almost unattainable to own the little cabin unless we rent it when we're not there.

Some of the people that are complaining about STR's within the committee process make it sound a lot more like class warfare and generational wealth vs the rest of us.

The Irony of it : We actually just returned from spring break for five days at the beach. It's almost equally unaffordable to rent. We spent most of our savings for that year on a rental home . The people next to us owned their house. They had a giant party, had dogs pooping near our rental grass, fire smoke blowing into our rental etc. There are poorly behaved "owners" as well.

We need to know we will have the same rights to rent our property as when we purchased the Land and paid the county fees for our permit, and did everything \$\$\$ (geotech etc) the county asked of us in land use diligence that slowed us down. It is the only way we can recoup what we have lost. Can we please insert a clause for people to obtain rental permit if they already owned land and building permit and have incurred the financial Burden to pursue their plan?

Can you please help us?

Thank you,
Lindsey Boccia
503.943.0480

Lynn Tone

From: Public Comments
Sent: Tuesday, May 23, 2023 1:51 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR for NESK-C

From: Genie Ullrich <genie.ullrich@gmail.com>
Sent: Tuesday, May 23, 2023 1:10 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STR for NESK-C

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

Proposal Rock Inn in Neskowin was built in the 1970's and has functioned as both permanent residences as well as short-term weekend stays for visitors. Many of us have been owners for years. We ask the county to maintain the already established rules for PRI and does NOT put a cap or density restriction for NESK-C for Proposal Rock Inn.

Thank you for your consideration.

Genie & Frank Ullrich

EXHIBIT

P

CU
2:55pm

BEFORE THE BOARD OF COUNTY COMMISSIONERS

APR 19 2019

FOR TILLAMOOK COUNTY, OREGON

TASSI O'NEIL
COUNTY CLERK

In the Matter of Regulating Short Term)	
Rentals, Establishing Standards and)	ORDINANCE #84
Fees, Providing for a Permit, and)	Amendment #1
Creating Penalties for Violations of)	
This Ordinance)	

The Board of Commissioners for Tillamook County ORDAINS as follows:

Section 1. Title

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

Section 2. Authority

This Ordinance is enacted pursuant to ORS 203.035.

Section 3. Purpose

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

Section 4. Applicability

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

Section 5. Definitions

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

- (A) "Contact Person". The owner or if designated on the application for a permit, the agent of the owner, authorized to act for the owner.
- (B) "Dwelling Unit". One (1) or more rooms occupied, designed or intended for occupancy as separate living quarters and containing three (3) or more of the following:
- Refrigeration
 - Cooking facility (including cooking stove, hot plate, range hood, microwave oven or similar facility)
 - Dishwashing machine
 - Sink intended for meal preparation (not including a wet bar)
 - Garbage disposal
 - Toilet
- (C) "Onsite Wastewater Treatment System". Means any existing treatment and dispersal system of residential wastewater.
- (D) "Owner". The owner or owners of a short term rental.
- (E) "Permit". A Short Term Rental Permit.
- (F) "Person". Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit.
- (G) "Rental". An agreement granting the use of a dwelling unit to a person with monetary compensation. Use of a dwelling unit by a recorded owner or other person or persons without monetary compensation shall not be considered to be a rental under this Ordinance.
- (H) "Rented". The use of a dwelling unit granted to a person in exchange for monetary consideration.
- (I) "Renter". A person who rents a short term rental or is an occupant in a short term rental.
- (J) "Serious Fire or Life Safety Risk." A building code or ordinance violation involving those construction, protection and occupancy features necessary to minimize danger to life from fire, including smoke, fumes or panic, as well as other considerations that are essential to life safety.

- (K) "Short Term Rental". A dwelling unit (including any accessory guest house on the same property) that is rented to any person on a day to day basis for a consecutive period less than 30 days during the year.
- (L) "Sleeping Area". A room or other space within a dwelling unit designed, intended or used for sleeping. Tents and recreational vehicles shall not be considered a sleeping area.

Section 6. Standards

- (a) All short term rentals shall comply with the following standards. Any owner, contact person, or renter who violates any standards, or allows any standards to be violated, is subject to citation and fines in addition to and not in lieu of any other enforcement and penalties contained in this Ordinance or other County Ordinance or State law.
 - (A) The hours of 10:00 p.m. until 7:00 a.m. the next day are required quiet time and there shall be no unreasonable noise disruptive to neighbors during this time.
 - (B) The contact person shall notify every renter, in writing, of the quiet times.
 - (C) The contact person shall attempt to contact a renter by phone or in person within twenty (20) minutes of delivery of any complaint concerning the conduct of a renter.
 - (D) The name and active phone number of the contact person shall be posted so that it is visible from outside the front entrance of the short term rental. The required signage must be maintained in compliance with this Ordinance in perpetuity, or until the dwelling is no longer being utilized as a short term rental.
 - (E) No recreational vehicle, travel trailer, or tent or other temporary shelter shall be used as or in conjunction with a short-term rental. No occupancy of a parked vehicle, including recreational vehicles as defined in the Tillamook County Land Use Ordinance, in conjunction with the short-term rental is permitted.
 - (F) The owner shall provide covered garbage containers that can be secured. The contact person shall notify guests that all garbage must be kept in secured containers provided for that purpose. As required by Tillamook County Ordinance

#4, garbage shall be removed by the local franchised garbage hauler a minimum of one (1) time per week unless arrangements are made with the local franchised garbage hauler to suspend or modify service during the times when the short term rental is not rented. Rentals located outside of a franchise area shall meet the provisions of Section 9(e). The contact person shall provide guests with information about recycling opportunities.

- (G) At least one (1) functioning fire extinguisher shall be accessibly located within the dwelling unit.
- (H) All plug-ins and light switches shall have face plates.
- (I) The electrical panel shall have all circuits labeled.
- (J) Ground Fault Circuit Interrupter (GFCI) protected receptacles shall be provided at outdoor locations and at kitchen and bathroom sinks.
- (K) Smoke detectors shall be placed and maintained in each sleeping area, outside each sleeping area in its immediate vicinity and in each additional story and basement without a sleeping area.
- (L) A combination carbon monoxide/smoke detector device shall be placed and maintained on each floor of a short term rental and within 15-feet of each sleeping area.
- (M) All fireplaces, fireplace inserts, and other fuel burning heat sources shall be properly installed and vented.
- (N) All interior and exterior stairways with four (4) or more steps and that are attached to the structure, must be equipped with a hand railing.
- (O) All interior and exterior guardrails, such as deck railings, must be able to withstand a two hundred pound (200#) impact force.
- (P) Emergency Escape and Rescue Openings:
 - (1) For all dwelling units constructed after the effective date of this Ordinance every sleeping area shall have at least one (1) operable emergency escape and rescue opening. Sill height shall not be more than forty-four inches (44") above the floor. Openings shall

open directly into a public way or to a yard or court that opens to a public way.

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

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

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

- (S) Short Term Rental with Onsite Sanitation: The maximum occupancy for a short term rental unit shall not exceed the capacity of the Onsite Wastewater Treatment System. The capacity is based on the gallons per person per day. Tents and recreational vehicles shall not be used to increase the number of people approved to occupy a short term rental.
- (T) There shall be one (1) parking space available for each approved sleeping area in a short term rental, plus one (1) additional parking space. Off-street parking shall be used if physically available. If a sufficient number of off-street parking spaces are not available for the authorized number of vehicles, then on-street shall be limited to two (2) vehicles. Parking shall not, under any circumstances, hinder the path of any emergency vehicle. Trailers for boats and all-terrain vehicles may be allowed but shall not exceed the allowable on street parking for each short term rental property. Renters may be cited and fined under existing State law or this Ordinance in the event they park illegally.
- (U) The contact person shall notify every renter in writing of the required off-street parking and other parking spaces available to serve the short term rental. Language shall be included in the notice that parking shall not, under any circumstances, hinder the path of any emergency vehicle and that renters may be cited and fined if this requirement is not adhered to.
- (V) A house number, visible from the street, shall be maintained.
- (W) The Onsite Wastewater Treatment System must be functioning as required with no discharges to the surface of the ground, surface waters or backups inside or under the structure. The Onsite Wastewater Treatment System may not be subjected to its design flow capacity in gallons per day.
- (X) For those properties located within a tsunami inundation zone, a copy of an Oregon Department of Geology and Mineral Industries (DOGAMI) Tsunami Evacuation Brochure shall be posted in a visible location as close as possible to the main entrance of the short term rental. The brochure

shall be furnished by the Tillamook County Department of Community Development at the time of Short Term Rental Permit issuance and renewal.

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

Section 7. Short Term Rental Permit Required and Revocation

- (a) All short term rentals shall comply with the following requirements. Any owner or contact person who violates any requirements or allows any requirements to be violated, is subject to citation and fines in addition to and not in lieu of any other enforcement and penalties contained in this Ordinance or other County Ordinance or State law.
- (b) Any owner shall obtain a permit prior to using the dwelling unit as a short term rental. Upon notification of the permit requirement by the Tillamook County Department of Community Development, continuing or subsequent instances of renting or advertising as a short term rental without a permit shall be subject to citation and fines in addition to and not in lieu of any other enforcement and penalties contained in this Ordinance or other County Ordinance or State law. A permit shall not be issued until fines related to a violation of this Ordinance and outstanding Transient Lodging Taxes for the subject property are paid in full.
- (c) The owner of each existing short term rental shall apply for and pay the appropriate fee for a Short Term Rental Permit. Within thirty (30) days of applying for the Short Term Rental Permit, it is the contact person's responsibility to contact the Tillamook County Department of Community Development to schedule an inspection and ensure that entry to the structure can be granted by a person eighteen (18) years of age or above. When a call for inspection is received by the Tillamook County Department of Community Development, the inspection will be performed before the end of the next working day.

- (d) A permit shall not be issued until a short term rental passes inspection. Once a permit is issued, a permit shall be valid for one (1) year from the date issued.
- (e) In any case where an inspection is not approved by the County Inspector, the County Inspector shall allow thirty (30) days for minor repairs or sixty (60) days for major repairs, at the completion of which the owner or 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 may apply. If the repairs identified in the original inspection are not rectified at the time of re-inspection, the permit application shall be invalidated, and the contact person must reapply and pay the requisite application and inspection fees.
- (f) All Short Term Rental Permits shall be renewed annually by the end of the month of their application anniversary date and are subject to the annual fee.
 - (A) A permitted rental shall not be required to pass a new inspection when a permit is renewed, except in the following cases:
 - (1) there has been a fire, flood or other event that caused substantial damage to the structure;
 - (2) the permit was revoked;
 - (3) there has been an addition or substantial modification to the structure; or
 - (4) the three (3) year inspection is required.
 - (B) Billing notice will be sent to the owner in the month prior to the permit renewal date. Such payment will be due by the last business day of the anniversary month.
 - (C) If notice under subsection 7(e)(B) is provided to the owner and the payment is not received by the renewal date, a notice that the Tillamook County Department of Community Development intends to terminate the permit shall be sent to the contact person (if applicable) and owner. This notice shall allow an additional thirty (30) days to comply with renewal provisions and shall specify that failure to comply will result in expiration of the permit.
- (f) The Short Term Rental Permit is transferable to a new owner, so long as the owner of record submits a Short Term Rental Permit

application and agrees in writing, to comply with the requirements of this Ordinance. Notification of ownership change shall be made to the Tillamook County Department of Community Development within thirty (30) days of change.

- (g) Revocation of Permit
 - (A) Violating any provision in this Ordinance, as well as non-compliance with any term or condition of a Short Term Rental permit, including non-compliance with Tillamook County Ordinances #74 and #75: Tillamook County Transient Lodging Tax (TLT), or violating any County or State law, may result in revocation of permit, denial of an application to renew a permit, enforcement and penalties as outlined in this Ordinance. Permits that are terminated for non-renewal or non-payment shall not be considered a revocation of a permit.
 - (B) In the sole discretion of the County Building Official, where a Building Code or Ordinance violation exists at a short term rental that presents an immediate serious fire or life safety risk, the County Building Official may immediately revoke the Short Term Rental Permit as an emergency revocation. The County Building Official shall provide written documentation (in layman's terms) of the violation and reason for revocation prior to leaving the inspection site.
 - (C) Upon an emergency revocation, the short term rental shall not be rented or used as a short term rental.
 - (D) At any time following the emergency revocation of a Short Term Rental Permit pursuant to this subsection, the County Building Official may reinstate the permit upon a re-inspection by the County Building Official verifying that the subject Building Code or Ordinance violation has been corrected or a new Short Term Rental Permit is obtained.
- (h) If an application for a permit or the renewal of a permit is denied, or a permit is revoked, the owner may appeal to the Board of County Commissioners by written notice delivered to the Tillamook County Department of Community Development within thirty (30) days of denial or revocation.
- (i) The provisions of this Section are in addition to and not in lieu of any other enforcement and penalties contained in this Ordinance or other County Ordinance or State law.

Section 8. Fees Established

- (a) At the time an owner submits an application for a Short Term Rental Permit, the owner shall pay to the County a Two Hundred Fifty Dollar (\$250) license fee as well as a One Hundred Dollar (\$100) Dollar inspection fee for the services of a County Inspector for the initial certification required by subsection 9(a)(B) of this Ordinance.
- (b) An owner shall pay the Special Inspection fee established by the Tillamook County Department of Community Development for each re-inspection.
- (c) An owner shall pay a Two Hundred Fifty Dollar (\$250) renewal fee on the anniversary date of the Short Term Rental Permit.
- (d) The fees established by this Section shall be reviewed annually and, if necessary, increased by Board Order in amounts sufficient to reimburse the County's costs for administering the short term rental program, except that:
 - (A) Any increase in the annual short term rental license fee shall not exceed five percent (5%) annually; and
 - (B) The County's fee charged to short term rentals for inspections or re-inspections shall not be more than amounts charged for other building inspections.

Section 9. Short Term Rental Permit Application Requirements

- (a) An application packet for a Short Term Rental Permit shall be completed and submitted to the Tillamook County Department of Community Development by the owner of the short term rental on forms provided by the Tillamook County Department of Community Development and shall include, or be followed by, the following information:
 - (A) A list of all property owners of the short term rental including names, address and telephone numbers. Property ownership for the purposes of this Ordinance shall consist of those persons listed on the Tillamook County tax records.
 - (B) Certification by the County Building Official or their designee which includes the following:
 - (1) That, based on an inspection, the short term rental complies with Standards found in subsection 6(a) of this Ordinance;

- (2) The maximum occupancy for the short term rental as defined by subsection 6(a)(Q and R) of this Ordinance; and
- (3) A site plan depicting the dimensions and location of the available parking spaces as required by subsection 6(a)(S) of this Ordinance.
- (C) The name, address and telephone numbers of the contact person who shall be responsible and authorized to respond to complaints concerning the use of the short term rental.
- (D) Proof of liability insurance coverage on the short term rental.
- (E) Proof of garbage service from the local franchised garbage hauler if rental is located within a franchise service area as outlined in Section 6(a)(E). Rentals outside of a franchise service area and where no franchise exists shall provide written confirmation at the time of short term rental permit application submittal of proposed method of garbage disposal at the time of permit application submittal.
- (F) Completed Transient Lodging Tax Registration Form (Tillamook County Ordinance #75).

Section 10. Continuation of a Short Term Rental

- (A) All short term rentals shall be subject to re-inspection by the Tillamook County Building Official every three (3) years from the date of initial permit approval. The three (3) year re-inspection cycle shall commence upon date of adoption of this Ordinance with the re-inspection cycle of a short term rental determined from the date of initial permit approval.
- (B) The fee for a three (3) year re-inspection fee shall be the Special Inspection fee established by the Tillamook County Department of Community Development.

Section 11. Complaints

All complaints regarding short term rentals shall proceed as follows:

- (a) The complaining party shall, unless the situation justifies an immediate call to law enforcement, first attempt to communicate with the contact person designated on the permit and describe the problem.

- (b) The contact person shall respond to the complaint within the 20 minute response period and make reasonable efforts to remedy any situation that is out of compliance with this Ordinance within a reasonable timeframe.
- (c) If the contact person fails to take timely action to resolve the complaint or the complaint is not resolved satisfactorily, then the complaining party may report such failure with their contact information by any means of communication to the Director of the Tillamook County Department of Community Development. The Director shall log the complaint and contact the complaining party to assist in preparation of a written report documenting the circumstances of the complaint in writing, including available evidence regarding failure to resolve the complaint. The report shall be signed by the complaining party and a copy shall be provided to the owner and contact person. The owner and contact person may file a written response within 10 business days from the date of the Director's report. The Director shall provide a written response with a determination whether the complaint is a violation and such determination will be provided to the property owner, vacation rental management company (if applicable), complaining party, and subdivision homeowner's association (if applicable). A record of signed reports, determinations and any written responses shall be maintained by the Department and may be used in any enforcement action under this Ordinance, including but not limited to the issuance of a citation, the revocation of a permit or the denial of a request for renewal of a permit.
- (d) The provisions of this Section are in addition to and not in lieu of any other enforcement and penalties contained in this Ordinance or other County Ordinance or State law.

Section 12. Compliance, Hearings, and Arbitration

- (a) Compliance
 - (A) Owners of short term rental units shall obey all applicable Ordinances of the County, as well as all County and State laws.
 - (B) Three (3) or more violations of this Ordinance related to the same short term rental within one (1) year or if there have been three (3) or more violations of other County Ordinances related to the same short term rental within one (1) year, may result in revocation of the permit or the denial or an application to renew a permit. Violations include but are not limited to non-compliance of the requirements of this Ordinance. Failure to comply with Transient Lodging Tax

Ordinances #74 and #75 will also result in an immediate violation.

- (C) Written notice of closure or discontinuation of a short term rental shall be submitted to the Tillamook County Department of Community Development in writing.
- (D) Failure to renew a Short Term Rental Permit within the 30-days of the permit renewal date will result in permit expiration. Re-activation of a Short Term Rental Permit is considered to be a new permit and must comply with current requirements and fees.

(b) Hearings

- (A) If a hearing before the Tillamook County Board of Commissioners is to be conducted for appeal of a revoked or denied Short Term Rental Permit, the hearing shall be scheduled at the earliest possible date and the Director of Community Development shall provide thirty (30) days written notice to all relevant parties of the time, date and place of the hearing, reason for the hearing, and a description of the allegations upon which resulted in revocation or denial of the permit shall be furnished in written form to the Board of County Commissioners and relevant parties at least seven days prior to the date of the hearing. At the hearing, each party shall present such witnesses, testimony and other evidence as that party deems relevant to the issue(s). At the conclusion of the hearing process, the Board of County Commissioners shall either deny the appeal and uphold the Department of Community Development's decision to revoke or deny a permit, reinstate the permit, rule that the permit shall be approved, continue the hearing to a date and time certain where a decision will be rendered, or take the matter under advisement and issue a written decision.

(c) Arbitration

- (A) When a permit is revoked or denied, and after completing an appeal to the Tillamook County Board of Commissioners, the owner may demand review by arbitration as permitted by Oregon law. Except as a Court may otherwise determine, the decision of the arbitrator or arbitrators shall be final and binding upon all parties to the dispute, including the owner, the County and any citizen complainant. The non-prevailing party shall pay the costs of the arbitrator, but each party

shall be responsible for their own attorney fees or other costs of arbitration.

- (d) The provisions of this Section are in addition to and not in lieu of any other enforcement and penalties contained in this Ordinance or other County Ordinance or State law.

Section 13. Enforcement, Penalties

(a) Enforcement

- (A) It shall be the duty of the Director of the Tillamook County Department of Community Development to supervise the administration of this Ordinance, except as otherwise specified in this Ordinance. This Ordinance may be enforced by a member or designee of the Tillamook County Department of Community Development or a member of the Tillamook County Sheriff's Office.
- (B) Whomever issues a citation shall be responsible for representing the County and prosecuting the citation in court, unless the defendant hires an attorney, then the Tillamook County Counsel shall represent the County in court.

(b) Penalties

- (A) Any owner, contact person, or renter who violates any part of this Ordinance is subject to citation and fines.
- (B) Violations of this Ordinance shall be deemed to be a violation and shall be punishable upon conviction by a minimum fine of \$250 per day and a maximum fine of \$1,000 per day, with a total fine not to exceed \$3,000 for each citation.
- (C) Each day of violation of any part of this Ordinance constitutes a separate offense and is separately punishable, but may be joined in a single prosecution.
- (D) The penalties in this Section are in addition to and not in lieu of any other authorized actions the County may take under other Sections of this Ordinance, and any criminal prosecution or penalties as provided by County or State law.

Section 14. Severability

If any section, subsection, provision, clause or paragraph of this Ordinance shall be adjudged or declared by any Court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity or the remaining portions of this Ordinance and it is hereby expressly declared that every other section, subsection, provision, clause or paragraph of this Ordinance, irrespective of the portion thereby declared to be unconstitutional or invalid, be valid.

Section 15. Repeal of Conflicting Ordinances

Any portions of any other Ordinance previously enacted by this County, which are inconsistent with the provisions of this Ordinance, are hereby repealed.

Section 16. Effective Date

The Board of Commissioners finds that the enactment of this Ordinance is necessary for the public health, safety and general welfare, that an emergency exists and this Ordinance shall take effect immediately upon passage by the Board of County Commissioners.

Date of First Reading: March 27, 2019.
Date of Second Reading: April 15, 2019.

ADOPTED this 17th day of April, 2019.

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Aye Nay Abstain/Absent



David Yamamoto, Chair

 2 1



Bill Baertlein, Vice Chair

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Mary Faith Bell, Commissioner

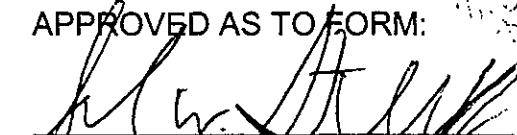
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ATTEST: Tassi O'Neil, County Clerk

APPROVED AS TO FORM:

By: 

Isabel Gilda, Special Deputy



Joel W. Stevens, County Counsel

