

Lynn Tone

From: Jerry Keene <jerrykeene1@gmail.com>
Sent: Friday, May 26, 2023 8:35 AM
To: Sarah Absher; Lynn Tone
Subject: EXTERNAL: STR Committee Reflections (Revised)

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

Sarah and Lynn -

I rushed to draft my reflections statement yesterday in the airport while waiting for a connecting flight on my return from a month away from home. Upon reviewing it today, I found one embarrassing typo and also realized I had also omitted an issue of particular importance to me (funding STR code enforcement from Operator Dues earmarked for "public safety"). Below is a revised statement. I realize we agreed on a Thursday deadline, but I wonder if I might still prevail upon you to substitute the email below for my original.

Jerry Keene

Commissioners and Director Absher:

Thank you for the chance to continue serving on the STR Advisory Committee during the past year-and-a-half. It was time well-spent, which is not always true of such committees. It was also a welcome opportunity to apply the information and insights I gained from the 2017-2018 committee work as well as the Oceanside STR community town halls and surveys that our CAC conducted. Please accept this as my "reflection statement" on the experience.

COMMITTEE LOGISTICS

1. **Size.** When Director Absher proposed to more than double the size of this committee, I publicly objected that the number of participants would hinder or obstruct its ability to function as a working group. I would like to acknowledge that this did not happen. It turned out that Sarah's impressive skills as a facilitator were up to the task, especially when matched with Commissioner Skaar's occasional and judicious efforts to clarify and reinforce the boundaries/guardrails of our assignment. Likewise, the thought that went into recruiting or selecting suitable Committee members paid off in terms of work ethic and a commitment to use our time well. That said, the number of new participants did significantly extend the time needed for meetings devoted entirely to "background" and "orientation" presentations. That ended up compressing and truncating the Committee's substantive policy discussions and negotiations in the latter meetings (see below).

2. **Time Planning/Communication.** It became clear to me early on that the deliberate pace of the orientation sessions in the first year of our meetings would prevent the Committee from fully exploring substantive issues that we had identified in our "checklist" before expiration of the STR "pause." I assumed this was just as clear to Sarah and the BOCC, and that there would eventually be a move to extend the pause while we completed our work. That assumption was wrong. Instead, at the same time the Committee first received a proposed ordinance draft (I believe it was in late March or early April), we were informed that all work on it must be completed by late May. That came as a surprise to me and, I believe, to the other Committee members. We were then led through a whirlwind review of both the major and minor revisions at what was often a breakneck. Even though the Committee voluntarily scheduled extra sessions

and extended our work hours during them, I believe the speed and atmosphere of urgency thereafter compromised the quality of the discussions of some issues and prevented any discussion at all of others. In the future, I recommend more clearly communicating such critical deadlines earlier in the process.

3. Facilities and Staff Support. I cannot say enough good things about the professional, thorough and conscientious effort that Sarah, Lynn Tone and other staff members put into supporting the Committee in terms of arranging facilities, providing and posting documentary packets, and facilitating our exposure to public comment. We wanted for little, and when we asked for more, it was readily provided.

SUBSTANCE

4. Committee Votes vs. Surveys. The Committee's discussions encompassed issues that ranged from practical to philosophical. On practical issues that pertained more to STR capacity (including occupancy, parking and "bedrooms"), life/health/safety, enforcement and signage or neighborhood notice, we were usually able to find trade-offs or "split the difference" to reach consensus. On policy issues, however, the Committee members more often squared off and dug in, producing close votes or multiple pluralities instead of majorities. Such issues included transferability, caps, density standards, "use it or lose it" and related issues.

I would caution the BOCC that close votes on those issues did not necessarily reflect or correlate to equally mixed positions by the public. *Instead, they reflected the County's successful effort to achieve a numerical balance of the philosophical differences in the Committee's make-up.* On such issues, I urge the BOCC will compare these close votes to the community sentiment on such issues reflected in the community surveys from Oceanside, Neskowin and other communities, which were conducted and submitted as public comment. A lot of care went into these surveys, and they yielded information that was credible, objective and surprisingly nuanced. More importantly, they often revealed that community sentiment on issues such as caps and transferability was much less "mixed" or "balanced" than the close Committee votes on such issues might otherwise suggest.

5. Perpetual Corporate STR Licenses. The Committee approached the issue of "ownership" early in the policy discussions, determining that both natural persons and legal entities (trusts, LLCs and corporations) might "own" STR licenses. I objected that unlimited corporate ownership opened the door to perpetual corporate licenses and would create incentives to acquire clusters of multiple properties under a single corporate owner. I also indicated that this would become more apparent when we addressed "transferability." The committee nevertheless voted to recommend the current definition, and I went along in hopes I could communicate these concerns more effectively in the context of the subsequent "transferability" discussions.

We did not return to "transferability" until the last few meetings, and several members indicated they had not realized the full significance of the "owner" definitions when voted on earlier. I also attempted to return to the issue of unrestricted corporate ownership, but the pressure we faced to "move on" impelled Sarah to block further discussion as something that had already been debated and decided.

I urge the BOCC to delve deeper into this issue during the hearings. Perpetual corporate ownership is at odds with the concept of privately owned or "family" STRs that shaped the committee's discussions. On the other hand, they are at heart of the objections being raised by the Oregon Restaurant and Lodging Association's objections to what it terms "hotels" being developed in the middle of residential areas. I will offer more on this concern along with proposed solutions during public comments.

6. Don't Toss in the Towel on Daytime Noise. Despite a contrary vote by the Committee, Director Absher's Staff Report recommends that the ordinance omit *anyrule* proscribing daytime noise by STR visitors based on what it deems "impossible" enforcement issues. That is not a headline the BOCC should rush to make as a matter of STR-community relations. Intrusive noise is one of the leading concerns expressed in nearly every STR survey from every community.

Regardless of whether it can be enforced against determined violators, the presence of such a rule would at minimum afford STR managers a tool to cite when contacting visitors about complaints. Conversely, the absence of any rule or limit will their hands in situations where merely pointing it out would prompt courteous compliance in most situations. These are not hypothetical considerations. I myself have lodged a complaint about loud daytime music being played by STR visitors on an open deck across the street from my home at 9 p.m. When I contacted the STR manager to complain, she responded that "quiet hours are not until 10 p.m." but that she would relay my complaint to the visitors by phone. In response, the visitors promptly TURNED UP THE VOLUME until 10 p.m., when they turned it off. The absence of a daytime noise rule obviated any response to this.

As for the enforceability dilemma, the draft ordinance itself contains the solution. Director Absher has recommended a rule banning any noise audible beyond STR boundaries during quiet hours. The rationale is that such violations can be recorded and preserved where needed. The same principle applies to daytime noise. I recognize, however, that the standard she has approved for Quiet Hours might be overbroad in daytime situations, That is easily rectified. I strongly urge that noise during the daytime be deemed a violation if it is "audible inside the complainant's residence." That is the level of noise most likely (and legitimately) to prompt complaints. More importantly, it would be even easier to record (presumably with a mobile device) than outside noise - where ambient noise would interfere. Including such a rule would both respect the Committee's vote to address daytime noise and Director Absher's concern for adopting a rule that cannot practically be enforced.

7. Code Enforcement ("Courtesy Corps")

When Director Absher invited Committee members to submit our priority issues at the beginning of our meetings, I proposed staffing a sort of dispatch/"courtesy patrol" to respond to complaints about STR visitor misconduct. I suggested that it would be appropriate to fund it by diverting some part of the STR Operator Fees revenue currently earmarked for "public safety." This was in response to then-recent statements by the Sheriff's office that it would not use such revenue for that purpose. In May 2023, the Committee devoted a meeting to complaints and enforcement. Before that meeting, I submitted a written proposal reiterating my previous suggestion. The Committee never again returned to the subject when I again raised my proposal at the final Committee meeting. Director Absher indicated that she had begun to explore the idea internally but was hindered by public employee union considerations among others. I accepted this but still believe the idea would have benefited from Committee discussion and consideration. I am raising it again now to mark and elevate the issue as one for future consideration.

Once again, I would like to thank the BOCC for allowing me to participate on this Committee, and to thank Director Absher and her staff for facilitating such participation in a way that made it meaningful.

Sincerely,

Jerry Keene
STR Member - Central County
Vice President and Past President - Oceanside Neighborhood Association

Lynn Tone

From: Candice & Gregory Miller <gandcm@gmail.com>
Sent: Friday, May 26, 2023 11:23 AM
To: Public Comments; Lynn Tone; Sarah Absher
Subject: EXTERNAL: Comments for May 30 STR Advisory Committee Meeting

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

Dear Tillamook County STR Advisory Committee,

After reviewing the latest draft of the proposed STR Ordinance, we feel it is vital that the committee and County stay on track and focus on regulations that will control the number of STRs in our communities and support a livability mandate that is acceptable to all who reside next to or are in close proximity to multiple STR properties.

To limit the saturation of STR permits, the Committee should include the following into the new Ordinance:

1. To qualify for a permit, an STR must be rented a minimum of 30 days per year.
2. Allow **no transfers** of permits on a property sale.. A change of title due to death, divorce, marriage or inheritance are exempted.
3. To reduce the number of boutique hotels and corporate ownership, a person, group or entity will only be allowed to have 1 STR permit.

Cap Limits:

If the County decides to exclude commercial properties, such as condominiums, the cap limit should not exceed 15-18% on single family homes. An overall total of private STRs plus the commercial properties would easily put the percentages in Neskowin at 20%. It is unnecessary to allow an additional 1% for 2023. The only parties who would want an increase are those who are on a wait list and probably should not have purchased/built a second home that they cannot financially support without turning it into an STR. We hate to be blunt, but that is the reality.

Density Cap Limits:

This may have to be achieved over time. STR properties should not exceed 20% on any given street.

Parking:

Day parking should be equal to overnight parking unless there is verified public parking spaces for 2 additional vehicles. This should be enforced on a neighborhood by neighborhood basis. In Neskowin, south beach, there is no public parking. All the roads are private. Therefore, daytime and overnight parking limits should be the same.

Max Occupancy Limits:

Only two per bedroom, plus up to 3 children, age 12 or under. So called "sleeping areas" should no longer be counted for occupancy. Daytime max limits of plus 6, as long as there is adequate parking. If not, then the daytime max limit should be reduced to 4.

The County should not be swayed by non-resident STR owners, business owners and realtors. They're concern for helping the community and providing a place for visiting families to come and enjoy their properties is a smoke screen to conceal their mandate to generate income. It is surprising that current STR owners are supporting higher cap limits. Rental dollars will only stretch so far. The more rentals... the more competition for that revenue stream. It is also important to consider that increasing the number of STRs, even by just 1% is going to put added stress on county resources to enforce current and new regulations, which they are woefully understaffed to do now.

There are numerous comments from STR owners who believe they should be able to do whatever they want with their properties. Our argument is that there are rules and regulations that **registered** Tillamook County voters want enforced and amendments made to the current Ordinance that should supersede any priorities that non-resident STR owners (outsiders) have to maintain and sustain their rental income revenue. Many owners rarely stay more than 40 days out of the year. We have made numerous concessions to the STR community. It is now their turn to reciprocate and let full-time residents determine and work with the County on how our neighborhoods should be developed and maintained.

Sincerely,

Candice and Gregory Miller
Neskowin

OREGON COAST HOSTS

May 29, 2023

To: Tillamook Board of County Commissioners
Sarah Absher, Tillamook County Community Development Director

Re: Board Order for Potential 1% Growth Management STR Community Caps

Oregon Coast Hosts advocates for local vacation rentals, promotion of tourism benefits, preservation of property rights, and protection of access to the Oregon Coast for everyone.

We have been participating throughout this public process by submitting oral and written public comments as well as surveys. We have repeatedly raised concerns about the draft ordinance regarding both minor issues in the draft and substantial legal concerns.

We are writing today to specifically address the subject of caps on STR growth that has had much debate and discussion in the last several meetings by the STR Advisory Committee.

We would like to affirm our Policy Recommendations:

- Adopt evidence-based & balanced regulations, backed by enforcement
- Allow current STR permit holders to maintain permits - Do not replace with an "STR License"
- Preserve transfer rights for current STR permit holders as required by state law
- Adopt a growth management cap allowing 2% annual STR increase per community with a 3 year sunset clause

As an organization, we understand the desire for a reasonable set of "growth management" tools. While we have concerns about any percentage cap which could result in elimination of property rights for approximately 75%-80% of homeowners in Coastal Zone communities, if the BOCC feels it is absolutely necessary to manage growth of STRs, then we can support a cap allowing 2% annual STR increase per community with a three year sunset clause.

2% annual growth management with 3 year sunset is also supported by:

**Tillamook Chamber of Commerce
Tillamook Coast Visitors Association**



Any type of growth management percentage cap is not supported by the Tillamook Board of REALTORS and we share their pledge to defend property rights.

Oregon Coast Hosts encourages Tillamook County to accept the offered assistance from the Tillamook Coast Visitors Association to develop a strengthened enforcement plan which would help alleviate the burden on neighbors to enforce Ordinance #84. Balanced regulations with effective enforcement are the key to moving forward. Holding select owners accountable for any violation is preferable to over-regulating the entire pool of highly compliant homes with STR permits and eliminating fundamental property rights.

In closing, thank you all for navigating through this thorny issue. We continue our goal of working in the spirit of collaboration and cooperation, as we share mutual goals for a meaningful compromise on this complex issue.

Rob Govender-Towle
Oregon Coast Hosts - Board Member

Hello,

I would like to introduce myself; my name is Gina Melise and I have a house in Pacific City I purchased in 2019. I am a first-generation college graduate from Linfield University, and I have been practicing nursing since 2009. I have worked with the state of Oregon Department of Corrections for 13 years. I work and live in Portland since 1995. I purchased my house in Pacific city dreaming of retiring in the beautiful community of Pacific City someday in the future.

When I purchased my house, built in 1995, I remodeled the house with my friend who is a carpenter by trade. We both put in hard wood flooring and tiling replacing all the Berber carpeting which I am very proud of myself as a single middle-aged woman to be physically able to accomplish this magnificent modern improvement. I take pride in my business I have created. I go to Pacific city about 4-5 times a year when I am able to take time off my full-time nursing job. I do home improvements on every trip. I painted the garage door last year. This month I stained the deck and maintained the outdoor furniture.

I take tremendous amount of pride in my community of Pacific City and Tillamook County. I want to support the economy with my LLC rental business and bring positive orderly city planning that benefits commerce and residents. I care about the future of the community in Pacific City and Tillamook County and believe it is vital we plan for the future mindfully.

I respect the community and want to improve the economy yet keep the peaceful natural environment that everyone enjoys intact and not disturbed. I believe having vacation rentals in Tillamook and Pacific City is very advantageous. Renters will dine in restaurants, shop at grocery stores and other businesses. This will strengthen the local economy. Putting restrictions on rentals in Tillamook County will negatively affect businesses and people's livelihoods. Tillamook and Pacific City are mainly middle class or working-class residents, such as myself, that rely on income from our businesses or rentals to afford the increase cost of housing and upkeep.

I'm reminded of the time I was buying my house in Pacific City and went to The Pelican Pub. The waiter's first question to me was, "Where are you from?". I found this an odd first question, so I asked, "Why are you asking me this question?". He happily pulled out a map of the United States on a piece of paper folded from his back pocket and told me he keeps track of all the visitors to The Pelican Pub in Pacific City. He does this monthly and adds it to his bigger world map on a wall at his house. He mentioned there are often visitors from other countries as well. I was so impressed; I knew that buying my house in Pacific City was the right thing for me to do for my future and for my rental business. I rent my house through Meredith Lodging while I work to financially support the business in Portland. Renting my house allows me to afford the upkeep, utilities, taxes, and mortgage that otherwise would be impossible to accomplish. This story of all the visitors to Pacific City is putting Pacific City on the map as a vacation destination for people around the world to enjoy our beautiful natural surroundings: The Pacific Coast, The Three Capes, outdoor recreation, dining, State Parks, and the glorious mountains, and trees, the list continues.

I hope I have made my viewpoint clear. I understand change is inevitable, but I support conscious cautious decisions made that can accommodate both sides of the argument without harming members of Pacific City and Tillamook Community livelihoods. Thank you.

Sincerely, Gina M Melise

Lynn Tone

From: Public Comments
Sent: Tuesday, May 30, 2023 8:14 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Comments for May 30 STR Advisory Committee Meeting

From: Candice & Gregory Miller <gandcm@gmail.com>
Sent: Friday, May 26, 2023 11:23 AM
To: Public Comments <publiccomments@co.tillamook.or.us>; Lynn Tone <ltone@co.tillamook.or.us>; Sarah Absher <sabsher@co.tillamook.or.us>
Subject: EXTERNAL: Comments for May 30 STR Advisory Committee Meeting

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Sincerely,

Candice and Gregory Miller
Neskowin

Lynn Tone

From: Public Comments
Sent: Tuesday, May 30, 2023 8:15 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Support for STRs

From: Pete Stone <psphoto@comcast.net>
Sent: Friday, May 26, 2023 2:53 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Support for STRs

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

Public Comment regarding Short Term Rentals in Unincorporated Tillamook County:

My name is Pete Stone and my family and I have been sharing our second home as an STR in Nedonna Beach for over 10 years, accommodating hundreds of visitors over that period, and creating many happy memories.

In review of the proposed Ordinance #84 revisions, I have the following concerns.....

It seems that the Tillamook BOCC has quite a challenge facing them.
In updating Ordinance 84, the BOCC is tasked with balancing the following issues:

STRs provide over 70% of overnight tourist accommodations in Unincorporated. Tillamook County STRs also provide not only significant tax and fee revenue for the County, but by providing overnight stays, support a large number of jobs directly in a variety of businesses such as restaurants, grocery stores, boat charters, and other local retailers, etc. There are also those businesses that directly cater to STR owners and management companies, such as cleaning services, appliance sales & repair, yard maintenance, and general contractors.

The BOCC also has to consider that with increased demand for overnight accommodations, occasional problems have arisen such as overflow parking, late night noise, excessive garbage, over occupancy, etc. It would seem that any new rules regarding these sorts of issues should apply to all.....not just STRs

One would hope that a balance could be achieved with these 2 competing forces by allowing for some managed growth for STRs that would allow for the continued demand in tourism at the coast that isn't going away, while creating a set of rules and regulations that would directly address the issues mentioned above. One would hope that these regulations would be balanced so as not to be unduly burdensome on owners, and be based on data and facts.

In terms of managing growth, as Tillamook County's own tourism association, Chamber of Commerce, and the STR industry group Oregon Coast Hosts and others have suggested, a 2% cap on growth for STRs, with a review after 3 years, would provide a balanced approach that would accommodate growing demand, estimated to be around 3% per year, and provide the opportunity for adjustment after a reasonable period of time.

Tom McCall's 1967 Oregon Beach bill that provides access to all should be respected both in spirit and practice here, and any excessive limit on overnight accommodation in the County could be seen as an unfair limit on such access.

In terms of dealing with neighborhood concerns with STRs, a reasonable complaint system for those times when issues arise, such as a 24/7 hotline, along with both phone and in-person required response seems like an effective tool to put in place. Most issues, I believe, would be rectified via a phone call made within 30 mins of notification, but in those situations where an in-person response was necessary, allowing at a minimum an additional 30 mins seems reasonable, considering the size of the County.

Additionally, reasonable rules regarding on and off street parking seem smart, with the understanding that hosts can only request guests park appropriately, as we have no enforcement ability off property. Street parking issues have occurred even in areas with little to no STRs, so signage and local enforcement of parking rules are needed as well, especially in the busy Summer months where many visitors are "day trippers" and park in any available spots.

Noise is another concern, and the new Draft proposal seems a well reasoned approach, acknowledging that people like to have some enjoyment listening to music or engaging with friends in the daytime, but putting a limit on such activities during nighttime hours. These rules should, of course, be enforced for all residents of the County, and the BOCC would be smart to review Marion County's Noise Ordinance, which seems wisely crafted.

All STRs should be required to have appropriate garbage service during times of occupancy, with capacity for any excessive trash at all times in secure containers. All guests should be required to use the provided containers exclusively, with no excess trash placed outside of them.

Lastly, limits on occupancy that conform to what building permits allowed at time of construction seem reasonable, as well as adhering to State building code law, and without data showing that current allowed levels have been problematic, current permit occupancy levels should be allowed to remain in place.

Unfortunately, the current draft proposal has also become a grab bag full of unnecessary restrictions with little to no basis in fact.

There are new rules about bedroom size and what storage facilities they contain, rules about septic inspections that only apply to STRs, rules about home improvements and who can do them, rules about how many times an STR license could be transferred, despite years of successful and safe operation.....to name but a few.

This seems like a case of classic regulatory overreach in the sense that solutions are being proposed for problems that simply don't exist.

Have there been problems with bedroom size and storage? Have STR septic systems been problematic? Were minor home improvements troublesome?

In terms of transferability, why wouldn't the county want a well run and trouble free STR that has been successfully accommodating tourists not to be able to continue? Do popular restaurants and other businesses lose their license to operate simply because ownership transfers, and others want to compete in the same County?

Limiting transferability also ignores the fact that STR bookings are often made months in advance, and would potentially be highly disruptive for future guests who thought they had booked a summer stay for their family, only to find out the due to a property sale (and loss of STR license), they now had nowhere to stay. This simply makes no rational sense, and could damage Tillamook County's reputation as a great tourist destination.

I do hope that the BOCC carefully considers all these issues and concerns and makes adjustments in the proposed draft that both support the economically important tourism industry here, as well as address any legitimate concerns that have been put forward.

These views are strictly my own, and do not reflect the opinion of any other group or organization.

Thanks,
Pete Stone
Nedonna Beach, Oregon

Pete Stone
11354 NW Placido Ct
Portland, Or. 97229

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



Date: May 27, 2023

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

From: The Tillamook County Board of Realtors

Re: Proposed Ordinance #84

The Tillamook County Board of Realtors would like to inform the Board of Commissioners of our position on the proposed Ordinance for Short Terms Rentals that has recently been made available for public perusal & comment.

Realtors are passionate about property rights. We believe in home ownership & the bundle of rights & obligations that are conferred with title. A very basic & long-standing right is the right to rent one's property to others.

We Realtors feel the issues that seem to have promulgated this desire to limit the ability of second homeowners being able to rent their property for periods of less than 30 days while leaving time for the owner to enjoy it will not be solved with this proposed Ordinance. Dealing with unruly visitors is an enforcement issue, not a land use issue. And no matter what semantics are included in the proposal, it is a land use ordinance.

Limiting the number of short-term rental licenses that may be issued by the County annually will hurt our economy in multiple ways. First, it will affect home sales in many markets. Many buyers buy a second home with the intention of making it their full-time retirement home within a decade. Without the opportunity to offset some of the costs of owning a second home until retirement, many folks will wait until their actual retirement. Second, second homes remaining vacant for appreciable periods of time are an invitation to vandals, break-ins, squatters & other crime. Third, it will cost jobs. It seems disingenuous to limit economic growth in any sector, & especially in such a significant one as tourism, by some arbitrary cap or limit on new permits, but that in effect is what this proposed Ordinance will do in Tillamook County.

In short, although we understand some people feel the "livability" of their neighborhoods has been impacted by the increasing popularity of visitors vacationing at the Coast in a home rather than a hotel or campground, we feel the parking, noise management & waste disposal problems should be addressed by enforcing our existing laws.

Margaret Page, President

Tillamook County Board of Realtors

margaret@coast-pros.com

Lynn Tone

From: Public Comments
Sent: Tuesday, May 30, 2023 8:15 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Tillamook County Realtors Comment regarding STR's
Attachments: Letter to Commissioners 5.27.23.docx; Letter to Commissioners 5.27.23.pdf

From: tillamookbor@gmail.com <tillamookbor@gmail.com>
Sent: Saturday, May 27, 2023 3:12 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Tillamook County Realtors Comment regarding STR's

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Margaret Page

President
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503-842-0101
Margaret@coast-pros.com

Response is also attached in word and pdf form.



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From: The Tillamook County Board of Realtors

Re: Proposed Ordinance #84

The Tillamook County Board of Realtors would like to inform the Board of Commissioners of our position on the proposed Ordinance for Short Terms Rentals that has recently been made available for public perusal & comment.

Realtors are passionate about property rights. We believe in home ownership & the bundle of rights & obligations that are conferred with title. A very basic & long-standing right is the right to rent one's property to others.

We Realtors feel the issues that seem to have promulgated this desire to limit the ability of second homeowners being able to rent their property for periods of less than 30 days while leaving time for the owner to enjoy it will not be solved with this proposed Ordinance. Dealing with unruly visitors is an enforcement issue, not a land use issue. And no matter what semantics are included in the proposal, it is a land use ordinance.

Limiting the number of short-term rental licenses that may be issued by the County annually will hurt our economy in multiple ways. First, it will affect home sales in many markets. Many buyers buy a second home with the intention of making it their full-time retirement home within a decade. Without the opportunity to offset some of the costs of owning a second home until retirement, many folks will wait until their actual retirement. Second, second homes remaining vacant for appreciable periods of time are an invitation to vandals, break-ins, squatters & other crime. Third, it will cost jobs. It seems disingenuous to limit economic growth in any sector, & especially in such a significant one as tourism, by some arbitrary cap or limit on new permits, but that in effect is what this proposed Ordinance will do in Tillamook County.

In short, although we understand some people feel the "livability" of their neighborhoods has been impacted by the increasing popularity of visitors vacationing at the Coast in a home rather than a hotel or campground, we feel the parking, noise management & waste disposal problems should be addressed by enforcing our existing laws.

Margaret Page, President

Tillamook County Board of Realtors

margaret@coast-pros.com

Lynn Tone

From: Public Comments
Sent: Tuesday, May 30, 2023 8:15 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Hoping to avoid Collateral damage?

From: Erin Skaar <eskaar@co.tillamook.or.us>
Sent: Sunday, May 28, 2023 4:45 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: Fwd: EXTERNAL: Hoping to avoid Collateral damage?

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From: Bob Taylor <bob@materialcg.com>
Sent: Friday, May 26, 2023 12:19:39 PM
To: Erin Skaar <eskaar@co.tillamook.or.us>
Subject: EXTERNAL: Hoping to avoid Collateral damage?

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

Dear Commissioner Skaar, I hope you can find a minute in your busy day to allow me to express my appreciation for the bigger picture questions related to STR regulations review which you must decide on, based on a variety of viewpoints/perspectives.

Whatever changes may be implemented, *I'm hoping for your compassion and consideration of the plight of a relatively few families (including mine), whom have been caught in the crossfire of the pause and potentially will suffer very serious hardship.* Our situation is very similar to those who were in escrow prior to the pause and those individuals and families were protected with the recognition they had made a purchase based on what was permitted at the time they decided to make their purchase.

I purchased our property in Tierra Del Mar 20 years ago and over the years, and eventually signed and paid our contractor back in 2021 (1 year before the pause), to proceed with permits and a build. We did so, with a plan and sufficient funds to commit to building our vacation home which we eventually plan to retire to, our efforts were not for speculation, rather years of hard work and planning. We signed our purchase agreement one year earlier than the pause, and paid for permitting, septic installation and other infrastructure, plus began the home build. We did this based on our plan to be able to fund the loan payments from vacation rentals (which we also signed up for)

We had no idea of any potential that rulings would change, even we were issued all the appropriate permits based on the rules in place at the time. Furthermore, the building process has taken much longer than we expected and I'm being told we are unable to obtain an STR permit.

I hope that you can see it as fair and reasonable to grandfather in the relatively very few families (mine included), who had already committed to purchasing our homes and obtained building permits, based on the rules in place when

we did. I believe collectively such relatively few cases would have a negligible impact on the overall rental percentages (and/or pending caps). Barring being exempted, this small group (myself included) will face serious financial hardships and may be forced to sell our home when completed, at a time in which it's next to impossible to sell (and risk losing significant personal savings & investment).

My family and I would be deeply grateful to enable our pending STR application to be permitted prior (or in conjunction) with the adopted modifications which may be approved.

Pacific City is dear to my heart, my family is 5th generation of living full time or part time in Pacific City and I commercial fished out of Pacific City and Garibaldi in the 70's & 80's – hence, I am very familiar with how the area has dramatically changed over this time. Not just myself, but I am confident STR owners in general have a vested interest to be good neighbors & generally make serious efforts to ensure their neighbors are not disturbed and is actually helping support local businesses and employment in the community and generating important revenues which can help support much needed and worthy local programs.

Thank You for your consideration, Arthur Taylor; 6075 Coates Ave, Tierra Del Mar Beach

Lynn Tone

From: Public Comments
Sent: Tuesday, May 30, 2023 8:16 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Public Comment regarding Ordinance #84

From: BONNIE MCDOWELL <chiroqueen704@msn.com>
Sent: Sunday, May 28, 2023 8:40 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Public Comment regarding Ordinance #84

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

County Commissioners,

I ask that your updates to the current ordinance on short term rentals be equitable to owners, community members and vacationers to Tillamook County's beautiful coast. Updates should be evidence-based and backed by enforcement.

My husband and I own a townhouse in Shorepine Village. The Village is well suited for short term rentals, with small vacation-like homes. We have our own HOA and therefore do not need much regulation by the county.

We bought our home 3 years ago with the intention of spending a long weekend a month there, which we have been able to do. We eat out, shop at the library thrift store, cycle, kayak, take long walks on the beach and climb up Cape Kiwanda. We have two grown daughters in the area, who also take advantage of this second home. We love that we can share this special place with them and their families. By the way, we have not had a single complaint about our home.

We use local contractors for repairs, use local managers and spend money when we are there. When we're not there, we appreciate that we can share our home with other vacationers, who in turn spend money in the community. Our home is not affordable for most long term renters and we want to continue to use it. If we could not rent it short term, it would sit vacant more, thereby generating less revenue for the community.

I see the proposed ordinance as being too restrictive. Examples:

1. Current STR permit holders should be able to maintain our permits and not have them replaced by licenses, which would take away our current land use rights.
2. Current STR permit holders should be allowed transfer rights as required by state law.
3. Noise codes should not be at a higher standard than any other residents in the county.

4. Requiring response to a complaint in 20 minutes is onerous. Our manager lives 30 minutes away.
5. Requiring STRs to be held to current building codes could be very costly and unnecessary.
6. I suggest that you adopt a growth management cap allowing 2% annual STR increase per community with 3 year sunset while the county works through Phase 2 with individual communities to set caps.

I sincerely thank you for listening to me and hope that you will update the ordinance equitably.

Bonnie McDowell and Phil Zapf
6045 Beachcomber Lane
Pacific City

OREGON COAST HOSTS TILLAMOOK COUNTY SHORT-TERM RENTAL (STR) ORDINANCE #84
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Issue Summary

Tillamook County is considering changes to Ordinance #84, which governs STRs in unincorporated areas (approximately 1,200 STRs). An STR Advisory Committee composed of various community representatives has been meeting monthly since early 2022 to discuss recommendations to the Board of County Commissioners. Key issues include enforcement, growth management, personal property rights, historical nature of vacation homes, public access to the Oregon Coast, and livability concerns such as noise, parking and garbage.

Evidence-Based Balanced Regulations & Enforcement

Regulations need to be balanced and evidence-based to have their intended impact and mitigate unintended consequences on STRs that have been successfully operating as good neighbors. Community Development recently reported only nine non-signage violations county-wide for the years 2019 (0), 2020 (0), 2021 (0), 2022 (1), and 2023 (8). Incomplete data may lead to any regulatory changes missing their intended goals, and this trend shows the County is possibly making improved efforts to enforce the current ordinance. Much of the harm attributed to STRs may be, in fact, from "day trippers" and other visitors who are not staying in STRs. Proactive enforcement by the County is a vital component to hold rule-breakers accountable, and to lighten the responsibility on neighbors to file complaints.

Property Rights

Our neighbors in both Clatsop and Lincoln Counties are attempting to regulate STRs and are facing community discord, ballot measures, and litigation. We do not need to follow the same path. Tillamook County can shine on its own by being a model of STR regulations that are balanced, legal, and support local economic growth. Permit transferability and grandfathering of regulations outside of health & fire safety are legal rights. Eliminating all current STR permits and replacing them with licenses is an improper attempt to avoid land use law.

Historic Seasonal Home Ownership

Many of our communities are defined as coastal resort areas due to high rates of seasonal home ownership, and have historically been welcoming visitors for over 100 years. Many homeowners have STR permits to help offset costs of coastal home ownership. STR regulations must recognize the reality of STR ownership and that the overwhelming majority are private versus corporate ownership. The vast majority of homeowners with STR permits have only one single permit in Tillamook County (93%). Historically, in alignment with the Oregon Beach Bill, public beach access is prioritized over gate-keeping our coastal communities. STRs play a vital role in providing accommodations for visitors due to the limited number of hotel rooms in Tillamook County, and STRs help preserve public coastal access.

Economic Impacts

Visitors and homeowners with STR permits have both played significant roles in our local economy by patronizing a wide array of local businesses, in addition to contributing via the Transient Lodging Taxes (\$40M since 2014). TLT comprises a significant amount of Tillamook County's annual budget. A comprehensive economic impact study of STRs, in addition to TLT, is necessary to evaluate the impact of limiting growth or reducing STRs through regulatory changes including meeting of current building code requirements and various regulatory tools to reduce occupancy.

Not In My Backyard

Public comments show a widely disproportionate number of comments from a single community, yet Ordinance #84 encompasses all of our unincorporated communities. A tally of written public comments from May 2022 through May 15, 2023 shows that 77% of the comments in support of the draft proposal or expressing livability concerns are from Neahkahnie, while Neahkahnie has only 7% of the total number of STR permits in Tillamook County. Additionally, overall written public comments show higher than a 2-to-1 ratio in favor of maintaining STRs.

Policy Recommendations

- Adopt evidence-based & balanced regulations, backed by enforcement
- Allow current STR permit holders to maintain permits - Do not replace with an "STR License"
- Preserve transfer rights for current STR permit holders as required by state law
- Adopt a growth management cap allowing 2% annual STR increase per community with a 3 year sunset clause

Oregon Coast Hosts

We support Tillamook County being at the forefront of STR regulations, instead of following in the misguided footsteps of others. We can be leaders and serve as a model of how to use lodging taxes to provide additional financial resources towards enforcement, which has been a steadfast recommendation through the years by STR Advisory Committee members. We can welcome visitors to the Oregon Coast who support our economy, while balancing the priorities of all property owners in Tillamook County.

Lynn Tone

From: Public Comments
Sent: Tuesday, May 30, 2023 8:16 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Tillamook BOCC Public Hearings May 30th - Public Comments

From: Mark Shifflett <mjshifflett@comcast.net>
Sent: Monday, May 29, 2023 8:01 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Tillamook BOCC Public Hearings May 30th - Public Comments

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

My name is Mark Shifflett , and have a small condo in Neskowin with an STR permit . I was lucky enough to invest and remodel the condo so we could rent it as an affordable way for other families to enjoy the Oregon Coast , and eventually retire along the Oregon Coast - I currently reside in Beaverton with my wife Janice and my daughter Carmen , and as a family we have stayed and traveled throughout the beautiful Oregon Coast for decades . Without STR's available year round, and up and down the coast we would have never experienced all the wonders of this spectacular coastline weather it was in the summer or the dead of winter – I am originally from the East Coast and not all the beaches are accessible to the public – The beauty of the Oregon Beach Bill in 67 , to provide public access to the beaches for recreational use is why Oregon is special and unique . Limiting the amount of days a person can rent out their STR would impact people with the desire to visit Tillamook County . I have a deep connection to Tillamook County and love the fact that couples, families can come and boost the local economy by enjoying the restaurants and stores , and meet all the friendly people that live in the area , by going to our condo . I also believe that the transferability of a permit , and I want to stress , Permit , not a license, so I can hand this property down to my Daughter, so she and her family can enjoy the Oregon coast for years to come . I also have concerns about the possible building code requirements for STR's only , and not being required for the rest of the county – I believe all STR owners actually have a more vested interest in being good neighbors – they want their guests to return to their properties , and have the community welcome them back . I am talking to you today because I want to find a Short term rental approach that works for everyone .

Thank you , Mark Shifflett

Neskowin Resort Condo Owner

Lynn Tone

From: Public Comments
Sent: Tuesday, May 30, 2023 10:51 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Support for STRs

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

From: Kelly <sholesclan@comcast.net>
Sent: Tuesday, May 30, 2023 10:30 AM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Support for STRs

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

Hello

We are current STR owners in the Neskowin Resort complex. Below are our comments.

- 1) Neskowin Resort and Proposal Rock have always been commercial hotel/condo-tel. They have no impact on full time homeowners other than to support the community with our taxes and the money spent by our guests. These units should not be part of any new regulations that pertain to how close STR's are, parking (covered by our HOA), garbage (covered by our HOA) etc
- 2) Neskowin has always been a vacation destination and most of the properties were built as such including the single family residences that families and friends used. If you bought a property here and don't like all the rentals - that's on you for not doing your due diligence
- 3) My rentals are down 43% over PRE-covid numbers. I suspect the complaints were brought on by the covid era increase which is over. It is a reaction to something that is not happening anymore.
- 4) Individual issues should be addressed as they come up for both STR's AND full time homeowners. There is not a need to over regulate for a few issues.
- 5) Any parking or garbage regulations should be for all single family homes not just STR's
- 6) What you are proposing in limiting STR's is land use regulation and I am confident the courts will agree. We were only able to buy our place by being able to rent it out. We are a middle class family that wanted to have a place to make memories with our kids and extended family. We love being able to share our affordable place with young families.
- 7) Limiting STR's will impact the property value of ALL homes in Neskowin as purchasers will either not be able to get a permit or it will be unclear if they can.

What you are doing is over zealous. Fixing small issues with a sledgehammer. Hopefully you have the ability to take a more nuanced approach that allows families to continue to enjoy Neskowin as has been its history.

Randy and Kelly Sholes
Neskowin Resort unit owners

Sent from my iPhone



Jim Bartels
503.314.6557
bartels.jim@gmail.com
13390 SW RIVER ROAD
HILLSBORO OR 97123
May 20, 2023

Sarah Absher, Director
Tillamook County Community Development

Re: Request to not renew STR permit/certificate for 7250 Saghale Ln., Pacific City

Dear Ms. Absher:

We, Mary Jo and Jim Bartels, Caroline and Elvis Lloyd, and Jeff Morrow, own 3 of the 5 homes on Saghale Lane in Pacific City. The Lloyd's are full time residents. A fourth home is owned by persons who winter elsewhere. The fifth home is the STR at 7250 Saghale about which we have communicated previously. We understand the STR permit/certificate for 7250 expires in June. We request that it not be renewed because the owners and rental managers have demonstrated that they will not follow the rules or conditions for the STR, have placed the burden of reporting their many violations and seeking enforcement on us, and now threatened to sue at least one of us in a transparent, and in our opinion a bad faith, attempt to intimidate us if we continue to report their violations to the County. They have degraded the livability of the neighborhood, demonstrated unwillingness to respect the conditions and rules governing their STR permit/certificate, and should not be renewed.

We have already documented for the County the misrepresentations in the initial application for the STR permit for this house and the many parking violations after the permit/certificate was issued. The violations continued after the revised permit/certificate was issued. For months after the revised permit was issued Meredith's listing for the house stated there was parking for three vehicles in front of the garage, despite the clear limitation of two vehicles in front set out in the permit. The listing was not changed until the agent was called out for it. Parking in violation of the 2 vehicles outside the garage limit has continued numerous times, and been reported to Meredith. Rather than comply with the revised permit/certificate, these investors chose to threaten to sue their neighbors in what, in our opinion, is a transparent attempt to intimidate us from exercising our right and obligations to report their violations to the County. A copy of their attorney's letter to the Lloyds is enclosed. As you can see, the allegations are boilerplate and vague. They seem to claim that reporting the misrepresentations in the application and providing the documentation of the many parking violations, as your office requested, are somehow "tortious interference". And the only trespass issue we know of is one raised by the survey of their property the investors got, which, if accurate, shows a part of their house encroaches onto a neighbors property. We could go on

about how meritless the letter is, but it's intent to try to prevent enforcement of the County's ordinance and permit/certificate is clear.

In short, the letter is just another example of why their permit should not be renewed. Their double digit violations in less than a year far exceed the threshold for non-renewal. Their apparent disrespect for the County's rules and their effort to prevent the neighbors from reporting their violations and asking the county to enforce the rules should not be rewarded by renewal.

If you would like more information please let us know.

**Jim and Mary Jo Bartels
Elvis and Caroline Lloyd
Jeff Morrow**

**cc: Commissioner David Yamamoto
County Counsel Joel Stevens**

Encl. Ltr to Lloyds



Paul Balmer
Paul.Balmer@tonkon.com

503.802.5745 direct
503.221.1440 main

May 8, 2023

VIA CERTIFIED MAIL AND MAIL FIRST CLASS

Elvis and Caroline Lloyd
7265 Saghalie Lane
Pacific City, OR 97112

Re: Cease and Desist Unlawful Interference

Dear Mr. and Mrs. Lloyd:

This firm represents Dean Sanderson and Jacob Justen, the owners of the neighboring property at 7250 Saghalie Lane, Pacific City, OR 97112 (the "Property"). If you are represented by an attorney, please provide this letter to them and ask that they contact me directly.

As you know, the Property is a licensed short-term rental. Accordingly, my clients have existing contractual relationships with both Tillamook County and with the individuals who rent the Property. It is unlawful to interfere with those relationships, but you have intentionally acted to harm my clients' business interests through improper means such as trespassing, defamation, and harassment. As a direct result of your actions, my clients have lost credibility with Tillamook County, had their Property's occupancy reduced, and have had renters leave negative online reviews that explicitly mention *your* interference in their enjoyment of the Property.

Over the last several months, your unlawful conduct includes the following:

- Repeatedly making false public statements regarding use of the Property, including that renters are blocking your driveway or blocking emergency vehicle access;
- Making meritless complaints to Tillamook County;
- Illegally recording renters and visitors to the Property without their consent; and
- Repeatedly harassing and verbally assaulting renters and visitors to the Property.

Elvis and Caroline Lloyd
May 8, 2023
Page 2

The purpose of this letter is to demand that you immediately cease and desist all such behavior, including as it relates to Sanderson and Justen and their employees or agents, any individuals renting or visiting the Property, and Tillamook County officials. If you refuse to do so, my clients will not hesitate to take legal action against you, including but not limited to civil claims for tortious interference with contract, invasion of privacy, and other applicable causes of action. They also reserve the right to involve law enforcement and/or cooperate in criminal investigations if that becomes necessary.

Thank you for your prompt attention to this matter. My clients expressly reserve all rights and remedies. Please contact me should you have any questions.

Very truly yours,



Paul Balmer

PB/rm

copy: Clients

043705\00001\16209729v1



NESK-C
Where STR is
legal to be!

BOCC,
Please Exempt us from your residential land use battle.

County wide growth caps will violate
NESK-C.

A simple exemption from license caps, transfer restrictions, and distance restrictions are absolutely necessary.

The proposed rules are amazing!
We look forward to participating in the new STR program.

SECTION 3.326: NESKOWIN COMMERCIAL ZONE (Nesk C)

- (1) **PURPOSE:** The purpose of the NeskC zone is to permit a moderate level of commercial activities to serve the commercial needs of neighborhoods, rural areas, and tourist areas. Commercial uses in the NeskC zone typically provide goods and services that would be required by most households in the area, and they have relatively few impacts on neighboring areas. Land is suitable for the NeskC zone because it:
- (a) Is needed;
 - (b) Is physically capable of being developed;
 - (c) Can obtain access to a public road without causing traffic hazards or congestion;
 - (d) Will not cause significant conflicts with nearby residential uses; and
 - (e) Has sufficient land area to accommodate off-street parking.

Justin Jones
Proposal Rock Inn Owner

—

Justin Jones - VP Operations
Greener Consulting Group
303-257-6040