

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

From: Amie Achtymichuk  
1455 alder street Oceanside OR  
Short Term Rental Owner

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

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

My family has owned this property since 2016. This is our familys second home that we spend many summer nights at. Having it STR when we are not using it is the only way we can afford to keep this home. Losing the STR would be losing our ability to own this home and enjoy with our family and future family members to come..

These are my top 3 general concerns:

- Replacement of current permits with licenses
- Restrictions on transferring property with the STR permit intact are unlawful
- No evidence to support restrictive new regulations - only 9 violations in 4+ years

These are my top 3 operational specific concerns:

- Provision is needed to protect STRs from harassment via unfounded complaints.
- 24/7 Contact Person - The immediate response requirement is unreasonable; even first-responders (Fire, Sheriff and Ambulance) cannot respond that quickly every time. \$100 charge to change contact person will discourage frequent changes, which are necessary due to 24/7 requirements. An online registration which allows owners or property managers to login and update the contact person in real time is an ideal solution that can be integrated with Granicus.
- Revocation for 3 or more verified violations of ANY local ordinance, state or federal regulation within a 12-month period

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

Sincerely,

Amie Achtymichuk

## Lynn Tone

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**From:** baltizaar09@gmail.com  
**Sent:** Thursday, June 15, 2023 11:07 AM  
**To:** Lynn Tone  
**Cc:** Tiffanie Hoffmeyer  
**Subject:** EXTERNAL: Re: EXTERNAL: Admission for 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.]

Thank you Ms Tone,  
Here is  
My written testimony:-

Hello everyone, I wanted to give our story of our newly purchased small STR in an unincorporated area of Nehalem, placed in the hands of the voting community. After reading a lot of the email comments it's very soul wrenching to witness such anger & venom towards STR owners. My wife is an emergency room nurse saving lives every day in 12 hour shifts & I have worked in kitchens since I was 13 years old in Europe. I'm now 57! We have saved & put every penny into our STR home. I have never done any remodeling or tiling but to save money I studied, you tubed, tiled, floored, gardened, painted, fenced, every day throughout the winter months and yesterday just put the finishing touches to hopefully begin renting to visitors. I want our guests to have an incredible experience in our area, promoting all of the local Stores, restaurants, bakeries retail shops etc. I have visited all our neighbours and hosted a barbecue 'thank you party' for them and anyone who had helped advise & support me. My name & phone is Posted big & bold outside the home and if anyone should have any disturbance, I will be 100% accountable & immediately involved. I will monitor all of the incoming guests to make sure they are the right fit. This is not about greed or disregard for my community of which many write! This is my only income! My body is broken from too many years serving in the hospitality industry, I am 100% involved in making my home work in the community.

Several folk have written if I did not have an additional Home then a local could have bought it! This home was on the market for over 6 months & no local came forward. It needed fixing up and I did that work!

Next response is 'well if we take away the STR then you would rent to a local'. Again misinformed, I would need to cover my mortgage and taxes and expenses. There is a house next door to my home for rent since February and has ONLY just rented out to new arrivals into the area, so where are the locals grabbing these opportunities!

This is an expensive area similar to Napa Valley, where I was a chef instructor. I drove an hour and half each way from an apartment and area I could afford. So please all you 'haters' out there, please take into consideration folk such as myself & wife. Please vote for this regulation to pass so we can continue respectfully with our STR business & fine heavily those owners who do not respect the unincorporated areas or any neighbours for this matter, so everyone is held accountable. Personally I would be very upset if a mismanaged STR opened up Next to my Home. Everyone has to take responsibility for our community & neighbours whether it's dogs barking, noise pollution etc.

I thank you for reading the other side & please vote to continue STR's and bring more revenue to our much needed area. The next small hamlet over is Wheeler which is almost bankrupt, with no STR's, few stores, lots of closed store fronts & little Revenue! Thank you with much gratitude & hope & love for my area & county.

Sarah Frances  
International Culinary Chef  
Maitre d' Instructor  
Private Cooking Classes

> On Jun 15, 2023, at 10:52 AM, Lynn Tone <ltone@co.tillamook.or.us> wrote:

>

> You can submit written testimony to directly to me.

>

> -----Original Message-----

> From: baltizaar09@gmail.com <baltizaar09@gmail.com>

> Sent: Thursday, June 15, 2023 10:14 AM

> To: Lynn Tone <ltone@co.tillamook.or.us>

> Subject: EXTERNAL: Admission for STR

>

> [NOTICE: This message originated outside of Tillamook County -- DO

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> is safe.]

>

> Good morning Ms Tone,

>

> As we

> Missed the deadline for in person admissions for the STR votes, could you please give the info on how to submit a written statement.

>

> Thank you kindly

>

> Sarah Frances

> International Culinary Chef

> Maitre d' Instructor

> Private Cooking Classes

## Lynn Tone

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**From:** Public Comments  
**Sent:** Wednesday, June 14, 2023 11:28 AM  
**To:** Lynn Tone; Sarah Absher; County Counsel  
**Subject:** FW: EXTERNAL: STR comments

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**From:** Steve <[swoods.home@aol.com](mailto:swoods.home@aol.com)>  
**Sent:** Wednesday, June 14, 2023 10:17 AM  
**To:** Public Comments <[publiccomments@co.tillamook.or.us](mailto:publiccomments@co.tillamook.or.us)>  
**Subject:** EXTERNAL: STR comments

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

From: Stephen Woods  
Lot 211 in south beach neskowin  
Tillamook County Landowner

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

My name is Stephen Woods and I am a Tillamook County Landowner. Many of these issues were raised at the last hearing and in hundreds of public comments, but the new draft does not address them. As written, if this draft proceeds to a vote and is approved, then there may be litigation.

My family has owned this property since 2015. My property is 42 acres bordering Cascade Head with a magnificent view of the Oregon Coast.

These are my top 3 general concerns:

- No evidence to support restrictive new regulations - only 9 violations in 4+ years
- Replacement of current permits with licenses
- Vacation rentals have always been allowed in Tillamook County

These are my top 3 operational specific concerns:

- 24/7 Contact Person - The immediate response requirement is unreasonable; even first-responders (Fire, Sheriff and Ambulance) cannot respond that quickly every time. \$100 charge to change contact person will discourage

frequent changes, which are necessary due to 24/7 requirements. An online registration which allows owners or property managers to login and update the contact person in real time is an ideal solution that can be integrated with Granicus.

- The maximum occupancy fails to account for unique, over-sized properties where short term rental is the bona fide “highest and best” use.
- Provision is needed to protect STRs from harassment via unfounded complaints.

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

Sincerely,

Stephen Woods

## Lynn Tone

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**From:** Sarah Absher  
**Sent:** Wednesday, June 14, 2023 9:45 AM  
**To:** Chris Silkowski; Lynn Tone  
**Subject:** STR public hearing

Thank You Chris,

And thank you for your time serving on the Neskowin CAC.

Sincerely,



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

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**From:** Chris Silkowski <csilkowski@gmail.com>  
**Sent:** Sunday, June 4, 2023 12:47 PM  
**To:** Lynn Tone <ltone@co.tillamook.or.us>  
**Cc:** Sarah Absher <sabsher@co.tillamook.or.us>  
**Subject:** EXTERNAL: STR public hearing

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Dear Ms. Tone

My wife and I have lived in Neskowin since 2018 after building a home on a lot we purchased in 2005. We moved to the area for quality of life and continue to work remotely from home. Prior to moving to Neskowin, we owned a home in Lincoln City that we rented out as a part-time short-term rental.

I have a conflict that prevents me from attending the hearing on June 13<sup>th</sup>, however, I would like to voice my appreciation for Ms. Absher and the Commissioners for attempting to address the issues caused by the recent influx of short-term rentals along the coastal communities.

The draft ordinance provides a good balance between STR properties and non-STR properties and enhances livability for full-time residents. Although I would have liked to have seen a cap on the number of days an STR is rented (like what we were subject to in Lincoln City), I feel that the draft ordinance can be used as a model for other communities across the country that are impacted by STRs.

Thank you for your time and your continued efforts on this important matter.

Best regards,  
Chris Silkowski

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

June 12, 2023

RE: Public Comments on Proposed Short Term Rental Permit Ordinance #84, Amendment #2,  
DRAFT Dated 5/30/23  
33580 Madrona St, Pacific City, TL# 4S1124AD1300

Dear Ms. Absher,

Please accept this letter as public comments on the draft Tillamook County Short Term Rental (STR) Permit Ordinance #84, Amendment #2 dated 5/30/23.

As reference, we would like to bring attention to our letter dated 2/25/23 concerning a previous draft version of the ordinance that we submitted for inclusion into the written record, as many comments in that letter also pertain to the current draft, Amendment #2. Per the previous letter, we own property at 33580 Madrona St, Pacific City, TL# 4S1124AD1300 and have a valid STR permit on the property.

Concerning the current draft, Amendment #2 we have the following comments and suggestions:

**ISSUE: STR rules should apply ONLY during short-term rental use.**

**QUESTION:** When occupying and residing in our house and property any time during the year when the house is not rented on a short-term basis, do STR rules apply to us? In our case, we currently lease the house on a short-term basis only for about 12 weeks a year during the summer season. In the remainder of the year or at any time during the year that it is not rented are we and our family members required to meet the standards outlined for short term renters? From our reading, it appears the draft ordinance is written so that short term use is regulated even if the dwelling is not being rented. This is problematic and an attempt to implement land use regulations under the guise of a business license supposedly regulating a specific activity (renting a dwelling for less than 30 days). Why should our property rights be infringed during our personal use and we be held to a different standard than another property owner who occupies or resides in their house for issues such as parking, noise, number of bedrooms, number of people in the dwelling, requirement for trash service etc. simply because we have a STR license during the time that we are not exercising the activity the license regulates (renting for 30 days or less)?



**ISSUE:** Amend various sections of the proposed ordinance so the County **IS NOT** enacting land use regulations under the guise of a STR License.

- Per section 0.020.C: *Purpose and Scope: "A short term-rental license is a revocable permission to operate a short-term rental but only as provided in the Ordinance".*

**SUGGESTION:** Amend the ordinance to make it clear that standards for STR's apply only during the licensed activity, i.e. during short-term rental of the property.

**COMMENT:** If STR regulations are applied to properties that hold STR licenses while the property is occupied by the owner for personal use and is not rented, the county is clearly applying land use rules but only to certain properties not uniformly under the guise of a revocable license. In our opinion, under that scenario it is likely property owners will have a takings claim regardless of the County claim it can avoid the takings risk by calling the STR permit a license. A business license such as the proposed STR license can regulate that activity (short-term rental of dwellings), but it cannot regulate land use when the activity (short-term rental of dwellings) is not occurring. STR's as a license with revocable permission cannot apply land use regulations to property owners when they use and reside on their property or lend their property to others for use without receiving rent.

- Section 0.030.Z *Short Term Rental Definition: ""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."*
- Section 0.040 *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."*
- Section 0.120.B *Violations: "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 Licensed issued under this Ordinance."*

**COMMENT:** These sections together stipulate that no property owner can let their family and friends etc. use their house for 30 or fewer days even if no money or other valuable consideration is exchanged unless they have a STR license. A revocable license can regulate the activity but cannot regulate use of the land when the licensed activity is not occurring. In the case of STR's the activity is dwelling rental for 30 days or less. Of course, a property owner has the right to let family and friends use their house for as short or long as they wish without the requirement of obtaining a STR and they are not restricted to the

requirements contained within a STR license so long as they do not receive rent. The County has stated that STR use will be a business license, not a land use action or rules. If that is the case then changes to the draft ordinance are necessary because otherwise the County is clearly restricting property rights and enacting land use rules under the guise of a STR License.

**SUGGESTION:**

Amend Section 0.030.Z Short Term Rental Definition to read: *“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 to lease or rent a dwelling unit for a period of 30 or fewer nights. Short-Term rental use is a type of “vacation occupancy” as defined in ORS 90.100.”*

AND

Strike the following words from Section 0.040 *“.. or otherwise make available or allow any other person to make available for occupancy or use”*

AND

Amend Section 0.110.B to read: *“Representing, advertising, leasing, renting or receiving money for occupancy of a dwelling unit as a short-term rental where the owner does not hold a valid Short-Term Rental Licensed issued under this Ordinance”*

**ISSUE: The definition of a Bedroom needs to be modified because it isn’t broad enough:**

- Section 0.030 Definitions:

D. *“Bedroom”*: under the definition a bedroom is require to have *“... A built in closet, clothing closet organizer, amorie or similar clothing rack or clothing storage unit.”*

**COMMENT:** This portion of the definition should be eliminated as many STR’s have lofts that are clearly sleeping areas, were originally designed as a sleeping area and they don’t contain a closet. Further, we are talking about short-term occupancy, several days or a week, so it is not necessary for such use to have a closet. Many motels, hotels etc. have beds in rooms that do not meet this definition.

**SUGGESTION:** Eliminate this sentence in the definition of bedroom as it is not necessary and not pertinent. STR rules pertaining to the number of people allowed in the dwelling are sufficient to address concerns.

**ISSUE:** The transfer of an existing STR License to a family member of the original STR Permit holder that preexisted this ordinance SHOULD BE ALLOWED WITHOUT RESTRICTION which we believe is the intent of this draft, however, a modification to the definition of “*Transfer*” is needed to cover all the possibilities of family to same family STR transfers.

COMMENT: Families who own beach property on the Oregon coast typically need some STR income during the year to be able afford the property. The STR income helps pay property taxes and insurance and if enough income is generated, some income can be set aside to pay for maintenance and upkeep such as roof and siding replacement and repairs as coastal dwellings take a beating. This is certainly the case for us. Many folks have the goal to keep their property within the family when they pass. We believe the intent of the draft ordinance is to honor families who previously obtained a STR permit and wish to maintain their property. Many families create “Trusts” or “LLC’s” as generation ownership becomes diluted from the original parent to protect and provide use equity to all family members due to legal issues associated with cotenant ownership. The definition of “*Transfer*” should be broadened to cover transfer of family ownership to a family Trust or family LLC or similar legal entity. We do not otherwise object to the proposed transfer rules.

- Section 0.030.DD “*Transfer*”: “*Transfer*” means a change in ownership of the property where the dwelling licenses as a Short-Term Rental is located that 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.”

COMMENT: The definition of transfer does not go far enough to protect families trying to maintain their property and STR within their family for a family to same family transfer.

SUGGESTION: Amend the second sentence to read: “A change in ownership does not include a change in owners resulting from death, divorce, marriage, inheritance or to an entity in which the STR Licensee is a member.”

**ISSUE:** Caps on the number of STR Licenses make sense in many locations, but not in all locations, especially where the majority of properties have historically been used for short-term occupancy. THERE SHOULD BE SOME NEIGHBORHOODS in the County WITH NO CAPS on STR LICENSES.

- Section 0.040.C Cap on Number of STR Licenses: “... 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”

COMMENT: Thus far in the process the County has not divulged where caps will be applied and what they will be. We assume and hope after adoption of the STR ordinance that there will be a public process the County will go through to establish caps, that property owners will have the opportunity to comment and the decision on location and cap numbers will be made by the Board of Commissioners, not established administratively.

Our neighborhood in Pacific City has historically been a neighborhood of short-term occupancy, not a neighborhood of permanent residents. We have owned our property for 30+ years (since 1992) and during that entire time there have never been more than 3 or 4 houses occupied by permanent residents out of a total of approximately 80 parcels in our immediate neighborhood bounded by the Cape Kiwanda parking lot, ocean, Cape Kiwanda Dr. and Shorepine Village property. Roughly 90 to 95% of the properties in our neighborhood have always been short-term occupancy use throughout the years. Further, of all the places in Tillamook County and in Pacific City, our neighborhood is best suited for full STR occupancy due to the proximity of the ocean, Cape Kiwanda, the Pelican Pub, separation from other neighborhoods by Cape Kiwanda Drive and the ability to walk to most things a visitor may want to utilize in Pacific City. We think that it makes sense to establish a no STR cap area for our neighborhood and we propose extending the no STR cap area south of our neighborhood to the extension of Pacific Avenue from the river bridge to the ocean.

SUGGESTION: There should be a public process to develop locations and numbers to cap STR's. The final decision on location and caps should be made by the County Board of Commissioners, not administratively. The County should not limit or cap the number of STR licenses allowed in the area bounded by Cape Kiwanda on the north, Pacific Ocean on the west, the extension of Pacific Avenue from the bridge over the Nestucca River to the ocean on the south and Cape Kiwanda Drive on the east.

**ISSUE: Noise standards in the draft ordinance are subjective, arbitrary and not measurable. The County needs to enact a countywide noise ordinance that applies to all if it wishes to apply noise standards to STR's.**

- Section 0.080.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 0.130."*
- Section 0.100.D.3 Specific Prohibitions: *"Unattended barking dogs"*

COMMENT: There are a whole host of issues and problems with the text of section 0.080.F. There is no defined noise standard. What is called out as a noise standard is subjective, arbitrary and not measurable. We understand and agree that unreasonable noise can be an issue, but the same applies to everyone. What is unreasonable to one person may be reasonable to another or the majority of folks. Why are STR's singled out? What about my STR guests? Why should they be subjected to the noise of a neighbor's party and music from a non-STR dwelling with no recourse because the County doesn't have a noise regulations that apply to anyone except STR's. Why should my STR guests be subjected to an unattended barking dog on a non-STR dwelling and we have no recourse because the County only prohibits unattended barking dogs on STR's. The statement that there is a violation if the contact person

fails to respond to a complaint within 30 minutes is ridiculous. What if the complaint is completely bogus? Again, what is unreasonable to one person is not necessarily unreasonable to another and there is no standard in the text for how loud the sound must be to trigger a violation. In America, one is presumed innocent until proven guilty, but this provision assumes that the STR owner is guilty if they are not able to respond within 30 minutes to a non-emergency nuisance which is a standard no County Department is able to meet for a non-emergency in Pacific City. After all, it's a 40-minute drive from county offices in Tillamook to Pacific City where our STR is located. In addition, according to the current wording, a crying baby, a dory boat preparing their boat for dawn launch at a STR, most construction activity on your property etc. could be considered a noise violation by some folks.

SUGGESTION:

Amend section 0.080.to read: *"The STR shall adhere to the County Noise Ordinance."*

- Eliminate section 0.100.D.3 Specific Prohibitions: *"Unattended barking dogs"*

The County needs to develop a noise ordinance with objective and measurable standards if it wants to enforce noise at STR's. Noise provisions that are subjective, arbitrary and have non-measurable standards such as the proposed text will be tossed out by Courts. Additionally, Courts will toss out this section on noise unless it also applies to adjacent non STR residences simply because it is blatant discrimination. It is discriminatory to single out a STR licensee for noise regulation when the same standards do not apply to adjacent non STR licensed homes. Similarly, courts won't look kindly on this provision if there is no noise regulation of condos, apartments, motels, hotels, lodges, campgrounds etc.. Tillamook County does not have a legitimate argument that it is unable to develop a countywide noise ordinance and doesn't have the resources or ability to measure noise and enforce standards. The County has speed guns that their law enforcement officials are able operate to measure vehicular speed and determine if there is a traffic violation. A decibel meter is not more complicated to operate to measure noise than a speed gun is for measurement of vehicular speed. Many other Oregon counties and governmental entities have noise ordinances that their officials enforce with the assistance of a decibel meter. Marion County has a reasonable noise ordinance that Tillamook County could use as a guide while developing an ordinance. The Marion County noise ordinance is easily available for download with a click from their website.

**ISSUE: Special building permit and construction requirements SHOULD NOT be required for STR's. STR's SHOULD BE required to obtain and meet whatever building and zoning permits and requirements normally apply to their building type.**

- Section 0.080.I *"No unpermitted improvements or bedrooms": ".. Electrical work shall be performed by a State of Oregon licensed electrician."*

COMMENT: Why is electrical work in STR's singled out for requiring a licensed contractor? Why not structural or plumbing etc.? Are you aware how difficult it is to get an electrician to do any work in Tillamook County? There aren't enough electricians working in the County and construction is their focus

not small minor work at a STR. This requirement is a big burden. Besides, why are STR's being singled out to meet standards for permits and work if those standards are not required by the permit covering the work?

SUGGESTION: Strike the sentence requiring that electrical work be performed by a licensed electrician from section 0.080.I. Doing so will not change the requirement that STR's obtain building, electrical, plumbing permits etc. and meet the requirements of those permits which are in place to insure safety concerns.

**ISSUE:** The required minimum response time by the contact person should be reasonable and realistic. 30 minutes per the draft IS NOT REALISTIC NOR REASONABLE. A STR complaint IS NOT an emergency and shouldn't be treated as such. A STR complaint is a nuisance issue.

- Section 0.080.J *Contact Information:* “.. 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.” AND “.. 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 complaint, or failure to arrive at the property within 30 minutes of being summoned shall be a violation of this Ordinance.”

COMMENT: An STR complaint isn't an emergency by anyone's definition. At worst, an STR violation is a nuisance issue. It is our experience that no Tillamook County Department including the Sheriff is able to respond to non-emergency complaints within 30 minutes, so why are STR owners being singled out to do something the County itself isn't able to do? The response required by the contact person should be the same that is expected by a County official for a nuisance complaint. Since the County is not willing or able to provide a time period for their resolution of nuisance complaints, we don't believe it is fair or appropriate to apply a different standard to the STR contact. There isn't perfect, complete or always reliable cell coverage throughout the county and people have the right to live their lives without sitting in cell coverage on the remote chance there will be a complaint. The County's complaint records of past STR issues show that the proposed 30 minute response requirement is unreasonable.

SUGGESTION: Amend the first sentence to read: “ The contact person will respond to the complaint within a reasonable time period and attempt to resolve the complaint as soon as possible with a goal of resolution within 24 hours.” Strike the last sentence completely as it is unnecessary, repetitive and unreasonable.

**ISSUE:** It is unreasonable to require STR's upgrade their building at each STR inspection and meet the current International Building Code (IBC) requirements in place at that time since those requirements change over time. STR's SHOULD MEET the IBC requirements in place when building permits are obtained for the structure but SHOULD NOT BE REQUIRED to constantly upgrade their buildings in order to meet the latest IBC requirement in place at STR inspection.

- Section 0.090.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 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."

COMMENT: We think the intent here is for dwellings to meet building codes which is appropriate, however, no property owner is required to continually meet International Building Codes which change over time including motels, hotels, restaurants, stores, schools, hospitals, government buildings etc. let alone single or multi-family residences that house STR's so why is this a requirement of STR's? It is appropriate to require building, electrical, plumbing, mechanical etc. permits and the dwelling will conform to the IBC and other appropriate codes in place at that time.

SUGGESTION: Amend this section to read: "A Short-Term Rental license shall not be issued until the dwelling passes inspection by the County Building Inspector certifying that the dwelling meets the requirements of the STR Ordinance and obtained required County building permits, inspections and met standards in force at the time the dwelling was constructed."

**ISSUE:** The time limit for filing an appeal SHOULD BE REASONABLE and 14 days IS NOT reasonable. Property owners should be given AT LEAST 45 DAYS to file an appeal to a STR complaint. A STR complaint IS NOT an emergency and shouldn't be treated as such.

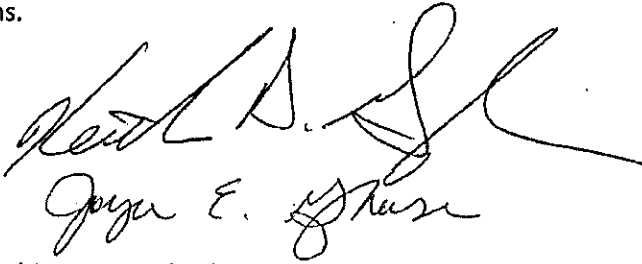
- Section 0.140.C *Time for Filing:* "A property owner or authorized agent shall file a written notice of appeal, including a written description of the legal basis for the appeal, no later than 14 calendar days after the license application, license renewal or other determination being appealed was issued. This requirement is jurisdictional and late filings shall not be accepted."

COMMENT: 14 days to file an appeal is unreasonable. Tenants who refuse to pay rent and squat on your property have more rights and time to respond to the complaint during eviction. Why are STR licensees who provide a huge economic benefit to the County not given the same respect and rights? A property owner appealing a decision has the right to legal council and the right to develop a legal basis in a reasonable time frame. Its impossible to obtain legal council and file a legal basis within 14 days.

**SUGGESTION:** Amend this section to read: "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 45 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."

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

Regards,

Handwritten signatures of Keith D. and Joyce E. Garlinghouse. The signature of Keith D. is on top, and Joyce E. is below it.

Keith D. and Joyce E. Garlinghouse

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

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



## Lynn Tone

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**From:** Public Comments  
**Sent:** Wednesday, June 14, 2023 7:34 AM  
**To:** Lynn Tone; Sarah Absher; County Counsel  
**Subject:** FW: EXTERNAL: STVR

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**From:** Annette Dhein <annettedhein1@gmail.com>  
**Sent:** Tuesday, June 13, 2023 5:02 PM  
**To:** Public Comments <publiccomments@co.tillamook.or.us>  
**Subject:** EXTERNAL: STVR

[**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 own a home in Nedonna Beach, Rockaway where my family has been visiting for five generations. I recently learned the majority of the Nedonna Beach neighborhood is governed by Rockaway Beach, but our home lies within Unincorporated Tillamook County and subject to potential changes being discussed in the STVR ordinance.

Although I have not rented our home, I am writing in favor of tourism and how additional visitors increase the economic prosperity of Tillamook County and the services it provides.

I visit Rockaway Beach twice a month and eat virtually every meal out or purchase food to bring back to the house. Riverfront Fish & Chips, Buttercup, Salmonberry, The Roost... restaurants from Manzanita to Tillamook add to our experience of being at the beach. Since Covid the increased number of visitors has allowed restaurants to be open more days of the week along with the opening of new venues.

The services provided in Rockaway Beach and these neighboring beach cities are at an all-time high because of the increased number of visitors. Limiting short term rentals would reduce tourism, negatively impact the restaurants and be an economic step backwards for our beach communities.

Some of my neighbors spoke negatively about STVR at our July 2022 annual homeowners meeting, however, their points were not based in fact. For instance, one said they didn't know who to call IF there was an issue with noise but the homeowner/management company phone number is clearly provided on each home. Similarly, one talked about more cars parked in the neighborhood, but the home they used as an example is a private resident and all the cars were their own visiting family members!

Maintaining a positive environment is important so regulations concerning parking capacities, noise and exterior lighting abatement, etc. should apply to all homes regardless of whether it's a short term rental, long term rental or a resident.

Prudent leadership at this juncture will allow our community to grow with the economic opportunity while providing livability for all.

Sincerely,  
Leslie Nickels

## Lynn Tone

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**From:** Public Comments  
**Sent:** Wednesday, June 14, 2023 7:33 AM  
**To:** Lynn Tone; Sarah Absher; County Counsel  
**Subject:** FW: EXTERNAL: STVR- public comment

---

**From:** Annette Dhein <annettedhein1@gmail.com>  
**Sent:** Tuesday, June 13, 2023 5:00 PM  
**To:** Public Comments <publiccomments@co.tillamook.or.us>  
**Subject:** EXTERNAL: STVR- public comment

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

The Nickels family has been making Rockaway Beach their second home for five generations. After such time, the beach house was no longer salvageable by making repairs so we made the decision to rebuild last year to preserve the legacy.

The cost of building a modest two bedroom home was exorbitant, over \$335 per square foot, further impacted by supply chain challenges resulting from the pandemic. Instead of abandoning the project or cutting back on materials, we opted to rent the home when it wasn't in use by the family to offset some of the increased costs.

This decision has benefitted all involved; neighbors, visitors and the local economy alike.

1. We used a local contractor, restored furniture and purchased new items from area businesses... and even spent \$7500 with a Tillamook based landscape company to ensure the property would be attractive for short term vacation rental.
2. We ensured the home met all structural and parking requirements outlined by the Tillamook County STVR licensing entity. Additionally we selected Meredith Lodging to professionally manage the rental process; protecting our home and livability for neighbors.
3. I'm proud to introduce visitors to the wonderful experiences our family has sought-out and enjoyed for years. We provide sample itineraries and restaurant recommendations to guide their exploration and I'm delighted when they comment on how these local business owners have enhanced their visit.
4. My neighbors are thrilled we've rebuilt a beautiful new home in place of the ramshackle cabin and that we've responsibly attended to our occasional renters and guests. There have been absolutely no noise or parking complaints or issues of any kind.

Changes to the ordinance are clearly targeted to reduce STVR vs provide standards that would apply to all homes; whether short term rentals, long term rentals or permanent residences. Any standards adopted should apply to all types of property use in order to ensure livability. Further, any changes should be based on data vs. conjecture.

Restaurants have been able to extend their service based on having more visitors... cutting back on STVR will negatively impact the economy and the experiences we all enjoy when we visit the beach communities.

In order for the county commissioners to make informed decisions for Tillamook County on STVR and related issues, it's imperative that an economic impact study be completed to provide guidance. Our beach communities are finally on the verge of having a robust offering of restaurants and activities... we

should be making decisions that once again position Tillamook County as the predominant beach area as it was when the Nickels ancestors began visiting in the early 1900's.

Sincerely,

Annette Nickels Dhein

Kimberly & Eric Bergstrom  
Owners of Tillamook County Short Term Rentals  
Jun 12, 2023

Tillamook Board of County Commissioners  
Tillamook County Community Development  
publiccomments@co.tillamook.or.us  
sabsher@co.tillamook.or.us

**Re: Tillamook County Ordinance 84 Revisions, and in Support of Tonkin Torp / Oregon Coast Hosts June 8, 2023 to the Tillamook County Board of of Commissioners**

To Whom It May Concern:

My name is Kim Bergstrom. My husband and I own Short Term Rentals (STRs) in the Neahkahnie area of Tillamook County (the County). My history with this area goes back long before I was born. My Grandfather worked on the Southern Pacific Railroad, and was a supervisor for the area that ran through Tillamook County and the northern Oregon Coast. He, in turn, introduced the love of the Coast to my father. It was his dream to build a house on the Coast, and that dream came true in 1962 with the completion of our house. My family's free time was spent traveling back and forth on Hwy 26 as we worked on the house. Lumber came from the mill where my father worked as an accountant. Fireplace bricks came from a demolished building from the local university where my parents first met.

Summers were especially wonderful, as my Aunt and Uncle would travel with my cousins from outside of Oregon to the Coast while my Aunt sought treatment for rheumatoid arthritis at the Rinehart Clinic in Wheeler. Days were spent jumping waves, bowling at the local bowling alley, penny candy and comic books from the grocery store. Nights were spent camping out in the forts we built amongst the gigantic driftwood logs that lodged up against the rocks fronting our house. Or curled up in the old army bunks, falling asleep to the sound of the quiet laughter and conversation of our parents.

The beach meant home. And would always play a part in my history, past and future.

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My name is Eric Bergstrom. I first visited the Neahkahnie area in 1984 when my girlfriend (now wife) introduced me to her most favorite place on earth: her family's beach house and the surrounding area. I spent the first part of 1986 commuting to the beach on weekends from Seattle to plant a lawn and build decks. Kim and I married in August of 1986 on that lawn next to the beach, joined by family, friends, and local community neighbors. Those neighbors pitched in

to help. Neighbor's driveways were offered for guest parking. Our next door neighbor hid my car in their garage so my family couldn't "decorate" it, as was their tradition. It was perfect.

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In 1996 we purchased our beloved beach house from Kim's father, who was retiring and downsizing. In order to afford the house and keep it in our family, we decided to rent the house to others for vacations, to share with others the experience we loved so much. Before doing so, we discussed this with our neighbors and came up with a plan that would work for all of us.

It was a wonderful experience. Most of our guests became regular guests. They planned their yearly getaways far in advance with much anticipation. They thought of our house as their very own beach house and treated it as such. We'd often find our guests had left gifts behind to add to the house; artwork, games, kitchen accessories. They were mainly families or couples, sometimes solo travelers, all looking for the peace and relaxation of the Coast.

We ultimately purchased additional properties, one at a time, lovingly updating them but keeping the small beach community character we cherished. Like our own house, we put love, sweat into each of them, doing or supervising much of the work ourselves. Each of these houses had been STRs before we purchased them.

We've been following the issues in the community concerning livability. We hear a lot of people state the community has changed due to short term rentals. Actually, we'd like to disagree with that premise. Transient housing is not new. The majority of our community has always been transient housing. The only difference is that more people are having the opportunity to visit and enjoy. More people have access.

But we do agree that the community has changed. No longer is the norm small beach cottages that are within financial reach for many families. Huge houses with landscaped yards have replaced vacation cabins. Our kids learned to ride their bikes on quiet roads. People walked along the road, stopping to talk to neighbors. Drivers watched out for pedestrians. This is no longer the case. It's interesting that people move to our area because they enjoyed the community, but after living here they want to change it.

Governor Oswald West fought for open beaches for all. It seems the new community feeling is based on exclusivity. Blame rather than working together to find a solution for all. Neighbors used to speak directly to each other, they now communicate frustration via certified letter, email or text. Often anonymous.

The current unhappy local sentiment is that STRs take away affordable housing for locals. Communities along the beach are actually no longer affordable for many people. However, not because of STRs. The 2023 median price for a house in Neahkahnie is \$929,000. The Neahkahnie / Manzanita Beach area has skyrocketed in popularity, as has the whole North Oregon Coast. The cessation of STRs would not decrease the median housing cost. What it would do is create more exclusivity.

We have and always will support equitable STR regulations. Balancing the needs of both property owners and residents is a challenging task, but absolutely must be done using the best fact based evidence available. We therefore support lawful regulations based on full disclosure of fact, with reasonable modalities of enforcement. Regulations should be fair, unbiased, and need to apply to **all** property owners, whether resident housing, long term rentals, transient homes, or transient STRs.

We were interested in the formation of the Tillamook County Short Term Rental Advisory Committee, which appeared to have been created to take a realistic look at many of the pressing issues in the County. However the seemingly unbiased nature of the group was soon upended when the County hired attorney Daniel Kearns to advise the Committee. As many are aware, Daniel Kearns has created his niche in Oregon Law as an "expert" on anti-STR law. In reference, you'll note Mr. Kearns worked against STR interests in Hood River, Banks, Bend, Clatsop County, Port Orford, and other Oregon communities.

Recently, Mr. Kearns represented 15 neighborhoods in the Lincoln County contentious STR issue. People familiar with the issue will recall that Mr. Kearns and the anti-STR group 15 neighborhoods were instrumental in getting ballot Measure 21-23 passed. It requires the phasing out of STRs in unincorporated Lincoln County residential areas in five years, bans new licenses in those same areas, and imposes additional operational restrictions on STRs. Measure 21-23 was quickly struck down by the Land Use Board of Appeals (LUBA).

In August 2022, Mr. Kearns sat on a panel as an expert at the Oregon State Bar Real Estate and Land Use Section of the Annual Summer Conference. The panel's subject was "Not in My Weekend Back Yard: Licensing, Land Use, and Litigation of Vacation Rentals," furthering his reputation as an anti-STR regulation expert.

If Tillamook County wished to find an unbiased solution that worked for all, and they truly wished to work with Mr. Kearns with his clear historical ties to anti-STR interests, the County would also have sought representation from an attorney with ties to the interests of STR property owners. Barring that, the County could have sought advice from an attorney with ties to neither anti-STR or pro-STR interests to help craft unbiased Regulations.

Which brings us to today and the proposed Ordinance 84. Obviously, Tonkon Torp's aforementioned Jun 8, 2023 letter to the County Board of Commissioners details the issues with the Ordinance better than either of us could. Suffice it to say that we support the comments and legal concerns outlined in their letter. However, we do have comments specific to our own situation.

The County plans to replace existing Permits with Licenses, trying to skirt land use rights of the STR owners. This concept was also attempted in the Lincoln County Measure 21-23 ballot measure struck down by LUBA. It appears that Mr. Kearns is leading the County into a similar

action that will ultimately end up in another LUBA appeal, costing taxpayers unnecessary expenditures for an issue previously adjudicated.

Our personal rights as current STRs permit holders are also jeopardized by Ordinance 84. The Ordinance plans to restrict the operations of our STRs. One example is by imposing arbitrary occupancy restrictions. This attempt by the County to restrict our STRs occupancy maximums would be financially onerous and detrimental to our STR properties. Our occupancies are similar to what they were before we purchased them, dating from long ago. While provisions have been made in Ordinance 84 for so-called "Estate Homes," the proposed occupancy restrictions, both for Estate and non-Estate STRs, are burdensome and should remain at the maximum occupancy level set forth in our current permits issued by Tillamook County. This includes maximum occupancy during daytime and overnight hours. It is our understanding that restrictions on STR operations in Tillamook County are unlawful, as Oregon State law allows us to continue nonconforming use at all levels of current operations.

It is our understanding, also noted in the Lincoln County LUBA Opinion and Order, that property owners cannot lose property rights solely based on the conduct of someone else. In other words, guests staying at a STR. This provision in the Ordinance is particularly burdensome. We have always gone above and beyond to make sure our visitors adhere to Tillamook County's STR policies. For our STRs, we require guests to sign an eight page Rental Agreement. Within that Agreement, visitors are educated and agree to all the points of the Tillamook County Good Neighbor policies, and more. They are made very aware of policies such as Quiet Hours, available parking spaces, no RVs or camping, no on street parking, etc. And yes, we have many complaints from visitors that our Rental Agreement is too long and restrictive.

Ordinance 84 stipulates Noise restrictions, Quiet Hours, On Street Parking requirements, and more. Again, arbitrarily placed on the County STRs rather than the common sense solution of creating Ordinances for all County residents, transient properties, STRs and visitors. We can cite numerous examples of non-STR neighbors causing excessive noise, including during "Quiet Hours." Non-STR neighbors with excessive dog barking, both indoors and out. Roaming unleashed neighbor's dogs depositing waste on our lawns. Recreational vehicles parked in resident and transient housing driveways. Visiting cars at those properties, parked so they spill out from driveways and impede street traffic. Unsecured garbage cans at those properties tipped over into the streets. The list goes on. Wouldn't it make more sense to create across the board, common sense regulations that the whole of Tillamook County could follow in order to be good neighbors?

Also extremely burdensome is the Ordinance 84 requirement to resolve complaints within 30 minutes of receipt. Which, I understand, is faster than the County Sheriff's average response time. This certainly does not sound like common sense regulation, rather an end run attempt to reduce the number of STRs. Especially as the complaint may be unwarranted, or, in fact, an effort by a disgruntled neighbor to enact the three strikes provision which would jeopardize an STR permit.

To give you an example, Kim received a call a while ago of a transient neighbor loudly complaining about guests at our neighboring STR. The complaint consisted of an accusation that our visitors were holding an outdoors party with loud music; that there were tents pitched in the backyard; that their pit bull was freely roaming the neighborhood terrorizing others; that the guests were freely smoking marijuana in the backyard (this was prior to the legalization in Oregon). This caller wanted us to put a stop to it.

Kim thanked the caller for bringing this to our attention, then immediately contacted our local security service, Northcoast Watchman Service, and they investigated. What they found was that this situation was occurring at a different property on the block. That, in fact, our own guests – a couple with a toddler – had confined themselves inside our STR to avoid the situation. They were scared to cross our yard to the beach. While we're sure the caller didn't have bad intentions, we actually appreciated the call. However, if that call had occurred after the passage of Ordinance 84, it would have been a larger issue. We think you'll find many examples by County STR owners where they were blamed for issues not related to their property.

The proposed Ordinance 84 provision regarding complaints is troublesome on many many levels. And again, it is not based on facts. It appears there were 489 complaints regarding STRs in Tillamook County, and the overwhelming majority were regarding signage. Hardly an issue that requires a punitive 30 minute response deadline. The new proposal for handling complaints also insists on an in-person response with no provisions for dangerous situations or back up. Local STR owners have reported instances where the County Sheriff's department has declined to help with a worrisome or precarious situation. The proposed Ordinance also requires STRs to pay a local person to monitor calls non-stop, 24/7. For years we have worked with a local security service, in addition to a local maintenance person and a local house cleaner that is always helpful and on top of any issues that may arise. We have a system in place that does work.

Further, the County has failed to offer evidence supporting the need for such an oppressive regulation. As with other requests for facts and figures, the general answer to questions regarding supporting statistics has been that the County does not have the staff nor time to research and obtain the facts and figures on important issues. Besides the point that it seems to be bad form to create Ordinances and Regulations which are not based on factual information, it begs the question regarding how the County intends to implement such an over broad and burdensome Ordinance if it does not have sufficient time to base regulations on facts?

Speaking of facts, we have not seen supporting evidence that Ordinance 84 will not cause harm to the local economy. Personally, we have long economic connections to our area. For instance, we earlier referenced our local security service, Northcoast Watchman Services. It's interesting to note that my father worked with the previous owner of Northcoast way back when, and after we purchased the property in 1996 we continued our working relationship. We buy hardware and building supplies from the lumber stores in Manzanita in Nehalem. We also have an account at Rosenberg Supply in Tillamook for items not available at our local stores. We work exclusively with local yard and house maintenance services, and cleaners. We shop locally. Our



guests shop locally. The taxes the County collects is quite extensive. What is the economic impact of the possible passage of Ordinance 84 and the promised next phase of stricter regulations? For 2021 the County collected \$7,540,366 in Transient Lodging Taxes alone. How is the County planning to cover any resulting shortfall caused by the passage of Ordinance 84?

At the June 3, 2023 Oceanside Citizen Advisory Committee meeting, a County representative made the following statement:

There is no obligation as a property right to use your home as a short-term rental.<sup>1</sup>

We respectfully disagree. As did LUBA in their Final Opinion and Order regarding Lincoln County's Measure 21-23. We fear Tillamook County is being led in a direction that can only result in further legal action. We request the County take whatever time it needs to gather relevant facts pertinent to the actual situation and work on reasonable legal regulations for all parties. And not single out STR owner's land use rights.

Sincerely,



Kimberly Bergstrom



Eric Bergstrom

37750 Beulah Reed Road, Nehalem OR 97131  
37395 Beulah Reed Road, Nehalem OR 97131  
37345 Beulah Reed Road, Nehalem OR 97131  
37335 Beulah Reed Road, Nehalem OR 97131  
37325 Beulah Reed Road, Nehalem OR 97131

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<sup>1</sup> Sarah Absher, Director of Tillamook County Community Development

## Lynn Tone

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**From:** Public Comments  
**Sent:** Wednesday, June 14, 2023 7:33 AM  
**To:** Lynn Tone; Sarah Absher; County Counsel  
**Subject:** FW: EXTERNAL: STRs & Oregon Coast Hosts

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**From:** Annette Dhein <annettedhein1@gmail.com>  
**Sent:** Tuesday, June 13, 2023 4:59 PM  
**To:** Public Comments <publiccomments@co.tillamook.or.us>  
**Subject:** EXTERNAL: STRs & Oregon Coast Hosts

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

## Lynn Tone

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**From:** Public Comments  
**Sent:** Wednesday, June 14, 2023 7:33 AM  
**To:** Lynn Tone; Sarah Absher; County Counsel  
**Subject:** FW: EXTERNAL: Neskowin Short Term Rental

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

**From:** Halina Kowalski <halkowalski@yahoo.com>  
**Sent:** Tuesday, June 13, 2023 4:59 PM  
**To:** Public Comments <publiccomments@co.tillamook.or.us>  
**Subject:** EXTERNAL: Neskowin 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.]

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

**From:** Halina Kowalski  
4390 sheridan Ave. neskowin, OR 97149 And undeveloped land currently zoned for development Tillamook County  
Landowner

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

My name is Halina Kowalski and I am Tillamook County Landowner. Many of these issues were raised at the last hearing and in hundreds of public comments, but the new draft does not address them. As written, if this draft proceeds to a vote and is approved, then there may be litigation.

My family has owned this property since Build in 1970. Besides owning a STR in Neskowin that is the childhood home I was born and grew up in, my family also owns some of the last developable land in the area, just across the highway above Neskowin. My Parents purchased the land from my Grandparents in the 70's who acquired the land before that in the 50's and were also long time and original/early residents of Neskowin. My parents purchased the property as current residents of Neskowin, hoping to one day be able to develop it and count on it to help fund their retirement. My father devoted himself to that land and worked for over 30 years to change the zoning to allow urban growth and develop necessary infrastructure. Now at 81 years old, my parents, having not yet realized their dreams for their land and their retirement (indeed dreams that my Grandparents had for them too!) are faced with losing some of the property rights that would make owning a beach house property possible for most people - the potential to STR any homes that might get developed there. This would create yet another Major obstacle that would thwart a potential investor or developer's interest and potentially block years of work, literally a life's work from realizing a multi-generational dream and legacy. Beyond the land, our home in Neskowin village is my most cherished retreat. It's where I grew up and where most of my happiest childhood memories took place with my Sister, who died young at age 16 shortly after we moved to

McMinnville. Like many other STR owners, once the house is passed down to me, there will be no way for me to keep it financially without the possibly of renting to subsidize its costs. Our house has been a rental on and off for over 30 years and has created thousand of memories for renters and friends and family alike who would not otherwise be able to access the Oregon Coast. Growing up in this community it's always been known to be largely a second home and vacation community and it will detrimentally change the history, culture, economy and charm of Neskowin to put unnecessary STR caps on it. Thank you for hearing my concerns.

These are my top 3 general concerns:

Neskowin has always been a vacation community - STR caps need to be reasonable to reflect that Restrictions on growth aimed at existing permit holders are unlawful No evidence to support restrictive new regulations - only 9 violations in 4+ years Replacement of current permits with licenses

These are my top 3 operational specific concerns:

24/7 Contact Person - The immediate response requirement is unreasonable; even first-responders (Fire, Sheriff and Ambulance) cannot respond that quickly every time. \$100 charge to change contact person will discourage frequent changes, which are necessary due to 24/7 requirements. An online registration which allows owners or property managers to login and update the contact person in real time is an ideal solution that can be integrated with Granicus. Parking: owners can not enforce rules against parking on public streets If the BOCC will be setting the permit fees, then any annual increase from the current level should be limited to a maximum of 5%, and STR inspection fees should not be priced higher than other building inspections - This is outlined in the current STR ordinance, and has been removed.

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

Sincerely,

Halina Kowalski

Halina Kowalski, MA, LPC, NCC

Licensed Professional Counselor

Owner: Gather Sauna House

61525 Aaron Way

Bend, Oregon

503-830-6393

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

From: Tyson and Michele Smith  
36380 Brooten Mountain Road, Pacific City, OR 97135  
Short Term Rental Owner

Re: Legal concerns regarding proposed legislation limiting property rights for Short Term Rentals

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

It has been a lifelong dream to own a home at the coast for us that we can share. We were blessed enough to buy our Townhome in 2021 and we have shared the opportunity to stay at our home for others as an STR. We enjoy hearing about the family experiences that our guests have while staying at our home. But most importantly we get to spend at least a weekend a month at the coast. We feel like we are truly part-time residents of this community. We have made friends in the neighborhood. We enjoy and purchase services from local providers. We have concerns regarding our property rights and values as it relates to the onerous legislation that is proposed.

These are my top 3 general concerns:

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

These are my top 3 operational specific concerns:

- Noise: Tillamook County needs a noise ordinance. Prohibiting "other noise" during quiet hours beyond property boundaries is unreasonable and inequitably punitive. Examples: AC unit running, car pulling into a driveway, a guest sneezing, a baby crying, etc. Reasonable decibel guidelines are needed so that the regulations are clear and fair.
- 24/7 Contact Person - The immediate response requirement is unreasonable; even first responders (Fire, Sheriff, and Ambulance) cannot respond that quickly every time. A \$100 charge to change the contact person will discourage frequent changes, which are necessary due to 24/7 requirements. An online registration that allows owners or property managers to log in and update the contact person in real-time is an ideal solution that can be integrated with Granicus.

- Provision is needed to protect STRs from harassment via unfounded complaints.

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

Sincerely,

Tyson and Michele Smith  
Kingfisher Getaway in Pacific City

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

From: Gus Castaneda  
930 Bearberry Lane - Oceanside  
Tillamook County Homeowner without an active STR permit

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

My name is Gus Castaneda and I am Tillamook County Homeowner without an active STR permit. Many of these issues were raised at the last hearing and in hundreds of public comments, but the new draft does not address them. As written, if this draft proceeds to a vote and is approved, then there may be litigation.

My family has owned this property since 2004. It was built together with family funds for our kids to grow and enjoy, it has become that and much more. Our children have endless memories gatherings throughout the years. Our guest book is filled with similar stories from guests who have enjoyed the house.

I know that the amount of money we spend in groceries alone for each stay have significantly impacted the local Safeway and convenience store - not to count the number of other guests. It would be a personal and financial loss for all to restrict its use. .

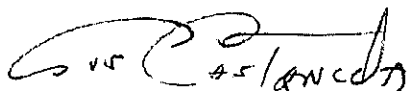
These are my top 3 general concerns:

- Replacement of current permits with licenses
- Vacation rentals have always been allowed in Tillamook County
- Any classification of STRs as commercial or business use is not accurate - STRs are residential use.

These are my top 3 operational specific concerns:

- 24/7 Contact Person - The immediate response requirement is unreasonable; even first-responders (Fire, Sheriff and Ambulance) cannot respond that quickly every time. \$100 charge to change contact person will discourage frequent changes, which are necessary due to 24/7 requirements. An online registration which allows owners or property managers to login and update the contact person in real time is an ideal solution that can be integrated with Granicus.
- If the BOCC will be setting the permit fees, then any annual increase from the current level should be limited to a maximum of 5%, and STR inspection fees should not be priced higher than other building inspections - This is outlined in the current STR ordinance, and has been removed.
- Requiring exterior lighting to direct downwards requires a modification contrary to state building code. Lighting is often a safety feature for guests in an unfamiliar place to prevent trips & falls. Allow motion sensing lights.

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



Gus Castaneda

## Lynn Tone

---

**From:** Public Comments  
**Sent:** Wednesday, June 14, 2023 7:33 AM  
**To:** Lynn Tone; Sarah Absher; County Counsel  
**Subject:** FW: EXTERNAL: Public Comment from Tyson and Michele Smith

---

**From:** Tyson Smith <tyson.wa@gmail.com>  
**Sent:** Tuesday, June 13, 2023 4:53 PM  
**To:** Public Comments <publiccomments@co.tillamook.or.us>  
**Cc:** Mary Faith Bell <mfbell@co.tillamook.or.us>; David Yamamoto <dyamamoto@co.tillamook.or.us>; Erin Skaar <eskaar@co.tillamook.or.us>; Sarah Absher <sabsher@co.tillamook.or.us>  
**Subject:** EXTERNAL: Public Comment from Tyson and Michele Smith

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

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

From: Tyson and Michele Smith  
36380 Brooten Mountain Road, Pacific City, OR 97135  
Short Term Rental Owner

Re: Legal concerns regarding proposed legislation limiting property rights for Short Term Rentals

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

It has been a lifelong dream to own a home at the coast for us that we can share. We were blessed enough to buy our Townhome in 2021 and we have shared the opportunity to stay at our home for others as an STR. We enjoy hearing about the family experiences that our guests have while staying at our home. But most importantly we get to spend at least a weekend a month at the coast. We feel like we are truly part-time residents of this community. We have made friends in the neighborhood. We enjoy and purchase services from local providers. We have concerns regarding our property rights and values as it relates to the onerous legislation that is proposed.

These are my top 3 general concerns:

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- Property owners cannot lose property rights solely based on the conduct of someone else.



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- 
- Replacement of current permits with licenses
- 
- 
- 
- Restrictions on transferring property with the STR permit intact are unlawful
- 

These are my top 3 operational specific concerns:

- 
- 
- Noise: Tillamook County needs a noise ordinance. Prohibiting "other noise" during quiet hours beyond property boundaries is unreasonable and inequitably punitive. Examples: AC unit running, car pulling into a driveway, a guest sneezing, a baby crying, etc. Reasonable decibel guidelines are needed so that the regulations are clear and fair.
- 
- 
- 
- 
- 
- 24/7 Contact Person - The immediate response requirement is unreasonable; even first responders (Fire, Sheriff, and Ambulance) cannot respond that quickly every time. A \$100 charge to change the contact person will discourage frequent changes, which are necessary due to 24/7 requirements. An online registration that allows owners or property managers to log in and update the contact person in real-time is an ideal solution that can be integrated with Granicus.
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- 
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- 
- Provision is needed to protect STRs from harassment via unfounded complaints.
- 

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

Sincerely,

Tyson and Michele Smith

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

From: Dick Binns  
1770 Rosenberg Loop, Oceanside, OR  
Short Term Rental Owner

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

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

We built our weekend/vacation house in Oceanside in 1993 when our daughters were seven and eight and spent many happy weekends in Oceanside. We chose Oceanside because we'd always loved the steep hill with the small town nestled in it that comes up from the Pacific and the panoramic view south to Netarts and Cape Lookout. Because we no longer live nearby in Portland we would not be able to keep this family getaway spot were we unable to operate it as an STR.

These are my top 3 general concerns about the proposed new regulations:

- Replacement of current permits with licenses
- No evidence to support restrictive new regulations - only 9 violations in 4+ years
- Oregon's beaches are proudly public, and restricting STRs will limit public access to the beach, especially in areas with no hotels

Our top 3 operational specific concerns are:

- The bedroom minimum size requirements run afoul state building code requirements for historic structures. It would prohibit our four kid bunkroom that has been in place since 1993.
- If the BOCC will be setting the permit fees, then any annual increase from the current level should be limited to a maximum of 5%, and STR inspection fees should not be priced higher than other building inspections - This is outlined in the current STR ordinance, and has been removed.
- Buffers are a problematic and inherently inconsistent tool: if STRs are a nuisance to permanent residents, and one street is all STRs, isn't it better that STRs only have negative effects on other STRs?

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

Thank you for your time and attention and the opportunity to comment on the draft proposal.

Sincerely,

Dick Binns

## Lynn Tone

---

**From:** Public Comments  
**Sent:** Wednesday, June 14, 2023 7:32 AM  
**To:** Lynn Tone; Sarah Absher; County Counsel  
**Subject:** FW: EXTERNAL: STRs & Oregon Coast Hosts

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

**From:** Nick Petersen <nick@traskbox.com>  
**Sent:** Tuesday, June 13, 2023 4:36 PM  
**To:** Public Comments <publiccomments@co.tillamook.or.us>  
**Subject:** EXTERNAL: STRs & Oregon Coast Hosts

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

Tillamook Board of County Commissioners,

Skyler Veek and Nick Petersen have lived in Tillamook County for over 40 years and have run several successful small businesses and developed over 100 real estate properties(including workforce housing, long-term rentals, motels, and short term rentals )including workforce housing, long-term rentals, motels and short-term rental). We would like to think our opinion is valuable among the commissioners because we have considerable influence in this community.

You and your counsel are making a mistake by limiting short term rentals and putting restrictions on property owners. You are opening yourselves up to liabilities that are easily avoidable. Ordinance 84 needed some minor adjustments regarding safety, parking and noise issues that could be easily resolved as well. You have wasted taxpayers money, time and resources to suffice a very small group of people who live on Neah-Kah-Nie mountain.

The restrictions that you are proposing to limit short term rentals may make sense in counties like Clatsop or Lincoln, where there are numerous motel and hotel rooms available, but Tillamook only has a fraction of those rooms available and rely on visitors to spend the night economically.

I own \$1 million property, my neighbor just sold their property for \$400,000 and rented it log truck driver. Every morning I get to hear a log truck start up at 3:30 AM. Waking up at 3:30 AM to a log truck is not ideal, but he has the right to do so. The constitution allows these kind of things to happen in a capitalistic free country. My point here, is that you are picking on short term rentals. You have selected one economic group that happens to make money off their houses and you are limiting it. It is unconstitutional and unfair.

We trust that you will make appropriate and ethical decisions about ordinance 84 to support local business owners like ourselves. Sincerely, Nick Petersen and Skyler Veek.

## Lynn Tone

---

**From:** Barbarry <bbusybees@yahoo.com>  
**Sent:** Tuesday, June 13, 2023 8:38 PM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Re: public testimony

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

Hi Lynn,

I was unable to testify online this evening, so I'm attaching copy of my 2 minute opinion. Got home late from a Water District Board meeting, but what I got to see of the BOC meeting was interesting. Thanks for providing public access - the miracles of modern communication systems! Maybe I'll just copy it into this email:

*Hi, my name is Barbara Rippey,*

*I am a resident of the Neahkahnie community. I feel that we should be given the opportunity to determine how STRs are administered here.*

*In keeping with our neighbor, Manzanita, I request that a maximum cap of 17% be placed on the number of STRs allowed in the Neahkahnie area. According to Tillamook County, Neahkahnie has around 404+/- dwelling units. The gated "Meadows" community with restrictive covenants disallowing STRs, has about 68+/- lots, with about half of them built. The houses there should be deleted from the overall numbers so that an accurate percentage-STR density is reflected in our neighborhoods.*

*Our water district is stressed to provide water at current levels of usage, and vacation rentals use more than residents during the crucial late-summer dry period. David Boone's comment letter of 4/14/23 is worth a re-read as it details how this small community is impacted by STR's in the realm of water usage. We are both members on the board of the Neahkahnie Water District and I agree with him that the current level of STR occupancy creates a significant challenge to our water supply in the summer. I believe that we need to be able to regulate according to our capacity.*

*We have livability issues specific to our area:*

- *Our streets are frail.*
- *Our sewers are designed for single family use.*
- *Water has and will be an issue in the future.*
- *The Tillamook County Sheriff lacks coverage for increased problems.*
- *We lack walkways out of the paved lanes for cars, pedestrians and their dogs, strollers, kids etc.*
- *Short term rentals threaten to over-run both public and private domains if left unchecked.*

Houses should have a limit on the number of occupants allowed in an STR ... these are R1 zoned neighborhood houses and not hotels or multifamily units.

Thank you for the opportunity to give my input.  
Barbara Rippey

On Tuesday, June 13, 2023 at 01:42:47 PM PDT, Lynn Tone <ltone@co.tillamook.or.us> wrote:

Hello, will you be providing testimony at tonight's hearing in person or virtually?



**Lynn Tone | Office Specialist II**

**TILLAMOOK COUNTY | Surveyor's Office/Community  
Development**

1510 3<sup>rd</sup> Street Ste C

Tillamook, OR 97141

Phone (503) 842-3423

[ltone@co.tillamook.or.us](mailto:ltone@co.tillamook.or.us)

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## Lynn Tone

---

**From:** Public Comments  
**Sent:** Tuesday, June 13, 2023 4:24 PM  
**To:** Lynn Tone; Sarah Absher; County Counsel  
**Subject:** FW: EXTERNAL: Pro short term rental - Neskowin

---

**From:** Lindley Leahy <lindleyleahy@gmail.com>  
**Sent:** Tuesday, June 13, 2023 4:12 PM  
**To:** Public Comments <publiccomments@co.tillamook.or.us>  
**Subject:** EXTERNAL: Pro short term rental - 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.]

To: Tillamook Board of County Commissioners

Tillamook County Community Development  
[publiccomments@co.tillamook.or.us](mailto:publiccomments@co.tillamook.or.us)  
[mfbell@co.tillamook.or.us](mailto:mfbell@co.tillamook.or.us)  
[dyamamoto@co.tillamook.or.us](mailto:dyamamoto@co.tillamook.or.us)  
[eskaar@co.tillamook.or.us](mailto:eskaar@co.tillamook.or.us)  
[sabsher@co.tillamook.or.us](mailto:sabsher@co.tillamook.or.us)

From: Lindley Leahy  
5400 N Breakers Blvd Neskowin  
Tillamook County Homeowner without an active STR permit

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

My name is Lindley Leahy and I am Tillamook County Homeowner without an active STR permit. Many of these issues were raised at the last hearing and in hundreds of public comments, but the new draft does not address them. As written, if this draft proceeds to a vote and is approved, then there may be litigation.

My family has owned this property since 2021. Neskowin OR can be shared with visitors via short term rentals. Neskowin needs to offer a variety of accommodation to meet visitors' needs. We plan to use our new construction home as part of our tourism related business as well as passive income for ourselves going into retirement as well as vacation home for our own family. .

These are my top 3 general concerns:

Restrictions on transferring property with the STR permit intact are unlawful  
Replacement of current permits with licenses  
Restrictions on growth aimed at existing permit holders are unlawful

These are my top 3 operational specific concerns:

Parking: owners can not enforce rules against parking on public streets

Noise: Tillamook County needs a noise ordinance. Prohibiting "other noise" during quiet hours beyond property boundaries is unreasonable and inequitably punitive. Examples: AC unit running, car pulling into a driveway, a guest sneezing, a baby crying, etc. Reasonable decibel guidelines are needed so that the regulations are clear and fair.

24/7 Contact Person - The immediate response requirement is unreasonable; even first-responders (Fire, Sheriff and Ambulance) cannot respond that quickly every time. \$100 charge to change contact person will discourage frequent changes, which are necessary due to 24/7 requirements. An online registration which allows owners or property managers to login and update the contact person in real time is an ideal solution that can be integrated with Granicus.

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

Sincerely,

Lindley Leahy

## Lynn Tone

---

**From:** Public Comments  
**Sent:** Tuesday, June 13, 2023 4:24 PM  
**To:** Lynn Tone; Sarah Absher; County Counsel  
**Subject:** FW: EXTERNAL: Public comment for STR's

---

**From:** Sora Stay <sorastayllc@gmail.com>  
**Sent:** Tuesday, June 13, 2023 3:27 PM  
**To:** Public Comments <publiccomments@co.tillamook.or.us>  
**Subject:** EXTERNAL: Public comment for STR's

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

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

From: Jana Nazir & Krista Miller  
34860, Cape Kiwanda Dr  
Short Term Rental Owner

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

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

My family has owned this property since 2021. It took a long time to save up for a house on the coast. I own the house with my mom and sister as we all contributed to the downpayment and repairs the house needed. This house will hopefully be our forever home and be a place for many memories for my family and our extended family. Currently my sister and I live and work in Portland and my mom and extended family live in Minnesota. .

These are my top 3 general concerns:

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-



- Restrictions on transferring property with the STR permit intact are unlawful
- 
- 
- Provisions to lose property rights over a licensing lapse are unlawful
- 
- 
- 
- Restrictions on growth aimed at existing permit holders are unlawful
- 

These are my top 3 operational specific concerns:

- 
- 
- 24/7 Contact Person
  - - The immediate response requirement is unreasonable; even first-responders (Fire, Sheriff and Ambulance) cannot respond that quickly every time. \$100 charge to change contact person will discourage frequent changes, which are necessary due to 24/7 requirements.
  - An online registration which allows owners or property managers to login and update the contact person in real time is an ideal solution that can be integrated with Granicus.
- 
- 
- 
- Requiring exterior lighting to direct downwards requires a modification contrary to state building code. Lighting is often a safety feature for guests in an unfamiliar place to prevent trips & falls. Allow motion sensing lights.
- 
- 
- 
- Provision is needed to protect STRs from harassment via unfounded complaints.
- 

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

Sincerely,

Jana Nazir, Krista Miller and our extended families

Sent from my iPhone

## Lynn Tone

---

**From:** Public Comments  
**Sent:** Tuesday, June 13, 2023 4:23 PM  
**To:** Lynn Tone; Sarah Absher; County Counsel  
**Subject:** FW: EXTERNAL: Re: Support for all comments and legal concerns submitted by Oregon Coast Hosts

---

**From:** Brandon Gray <bgray052299@yahoo.com>  
**Sent:** Tuesday, June 13, 2023 3:26 PM  
**To:** Public Comments <publiccomments@co.tillamook.or.us>; Mary Faith Bell <mbell@co.tillamook.or.us>; David Yamamoto <dyamamoto@co.tillamook.or.us>; Erin Skaar <eskaar@co.tillamook.or.us>; Sarah Absher <sabsher@co.tillamook.or.us>  
**Subject:** EXTERNAL: Re: Support for all comments and legal concerns submitted by Oregon Coast Hosts

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

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

My family has owned this property since 2021. We have lived in Oregon our entire lives and grew up going to the coast. Our home in PC is expensive to maintain and pay taxes and insurance. We rent out our home a few times during the summer when we have other plans to help offset some of these costs. With the permit fees and extra water utility fees we only make a few thousand per year, like less than \$5k. That doesn't even cover the property taxes. Our neighbors have never had a complaint. I don't believe we need new rules, we need the existing rules to be enforced. These new suggestions will drastically reduce real estate values..

These are my top 3 general concerns:

- No evidence to support restrictive new regulations - only 9 violations in 4+ years
- Restrictions on transferring property with the STR permit intact are unlawful
- State building code prohibits forcing historic buildings to "come up to code"

These are my top 3 operational specific concerns:

- 24/7 Contact Person - The immediate response requirement is unreasonable; even first-responders (Fire, Sheriff and Ambulance) cannot respond that quickly every time. \$100 charge to change contact person will discourage frequent changes, which are necessary due to 24/7 requirements. An online registration which allows owners or property managers to login and update the contact person in real time is an ideal solution that can be integrated with Granicus.
- Provision is needed to protect STRs from harassment via unfounded complaints.
- Noise: Tillamook County needs a noise ordinance. Prohibiting "other noise" during quiet hours beyond property boundaries is unreasonable and inequitably punitive. Examples: AC unit running, car pulling into a driveway, a guest sneezing, a baby crying, etc. Reasonable decibel guidelines are needed so that the regulations are clear and fair.

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

Sincerely,

Brandon Gray  
6755 Nestucca Ridge Rd, Pacific City, OR  
Short Term Rental Owner

## Lynn Tone

---

**From:** Public Comments  
**Sent:** Tuesday, June 13, 2023 4:23 PM  
**To:** Lynn Tone; Sarah Absher; County Counsel  
**Subject:** FW: EXTERNAL: STRs & Oregon Coast Hosts

---

**From:** Brandon Gray <bgray052299@yahoo.com>  
**Sent:** Tuesday, June 13, 2023 3:23 PM  
**To:** Public Comments <publiccomments@co.tillamook.or.us>  
**Subject:** EXTERNAL: STRs & Oregon Coast Hosts

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

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

My wife and I have lived in Oregon all of our lives. We grew up going to the coast and always dreamed of owning a home at the beach. We purchased a house, 6755 Nestucca Ridge Rd, Pacific City, in 2021. We were excited to get a str permit to allow us to rent it out a few times a year to help with taxes, insurance, and maybe a little maintenance. We don't even cover 1/3 of our fixed costs with the high permit fee and extra water utility fee (I guarantee our house uses way less water than full time residents, it makes no sense to just tack on a huge fee because it is a str). Regardless, we've felt the str permit and option to get one help keep real estate values high. We pay for garbage service year round and probably put out a can out 10 weeks.

The existing ordinance works fine if it is followed. We have never had a complaint. Any complaint I've heard of would have addressed with current rules, if they were enforced. Proposed rules are a massive over reach of property rights and will drive down values and tourism. It feels like Tillamook county is taking notes from Multnomah county instead of using common sense to drive reasonable progress and growth. Ideas of requiring str's to be in compliance with current codes, downward lighting, septic inspections, etc, while a full time resident or owner is allowed to let their homes be completely run down, over crowded, and a nuisance, is really ridiculous. I have multiple pictures of either residents or long term rentals with cars parked on the streets, in the grass, the whole house in disrepair, and large exterior floodlights. If you want to make a bunch of rules, then make them apply to all homes equally, and then enforce it. Or allow people that used their hard earned money to buy property to use the property as they see fit. STR's are the nicest kept and maintained properties in the neighborhoods because they want people to enjoy coming to them.

Thank you,

Brandon Gray  
503-869-2985

## Lynn Tone

---

**From:** Public Comments  
**Sent:** Tuesday, June 13, 2023 4:23 PM  
**To:** Lynn Tone; Sarah Absher; County Counsel  
**Subject:** FW: EXTERNAL: STRs & Oregon Coast Hosts

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

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

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

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

Thank you,

Jami

## Lynn Tone

---

**From:** Public Comments  
**Sent:** Tuesday, June 20, 2023 7:37 AM  
**To:** Lynn Tone; Sarah Absher; County Counsel  
**Subject:** FW: EXTERNAL: Ordinance 84 Public Comments

---

**From:** TOM FOELLER <tmfoeller@comcast.net>  
**Sent:** Saturday, June 17, 2023 8:48 PM  
**To:** Sarah Absher <sabsher@co.tillamook.or.us>; Lynn Tone <ltone@co.tillamook.or.us>; Public Comments <publiccomments@co.tillamook.or.us>  
**Cc:** Jim & Diane <djducks@centurylink.net>; Daniel Foeller <dan.foeller@gmail.com>  
**Subject:** EXTERNAL: Ordinance 84 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.]

Dear Sarah Absher, Lynn Tone; and Commissioners Skarr, Bell and Yamamoto,

My sister, brother and myself are owners of a Family legacy duplex on Watseco beach. We support the goal of a balanced, fair, common sense, enforceable, and reasonable approach to the STR ordinance that promotes family values and togetherness, livability, fair housing, and economic development. We appreciate the time and effort everyone has invested in this latest amendment to the Ordinance.

Please consider our comments that pertain to the STR licensing of our duplex and other multi-family properties. Our duplex is located at 18254 and 18260 Hwy 101 N, Watseco Beach, which is located West across 101 from the border between the Twin Rocks Friends Camp and the Sanitary District.

**Background:**

Our families have been coming to Tillamook County as their prime vacation spot for well over 100 years. My siblings and I have vacationed here for over 70 years. Our Grandparents lived in Barview when our grandfather was a sawyer in Garibaldi. We love Tillamook County and feel we're part of the community and are vested here.

**Purpose/Location:** Our family was fortunate to find and build on a duplex zoned 1-acre lot between Hwy 101 and the Pacific Ocean that has Watseco creek running through it. We wanted to carry on family traditions and share the beach with others. We sit together with three other duplexes on a gravel road. A few other mostly single-family vacation homes are located further down the dead-end road. Early on we hoped our parents would move into the one side of the duplex and leave the other side for the rest of the family to use. Times changed, and with some money from our parent's estate we designed, built, and manage the property. We preserved and enhanced as much of the original forested character of the property as possible, while being good neighbors and environmental stewards.

In recent years it's been necessary to share the duplex with vacationers and we've obtained two SRT permits in order to financially maintain the property. We did not build it as an investment but to pass it on as a family gathering place for Foeller generations to come. We've never taken out rental income and proceeds are reinvested in repairs and improvements. We and our renters trade heavily in Tillamook County where we prefer to hire local contractors, housekeepers, etc., whenever and wherever it's possible. We feel we're good Tillamook County ambassadors for vacationers and visitors from around the U.S.

Our plea: Help us protect and preserve our SRT status for future generations and visitors by considering the following draft Ordinance comments and suggestions:

- **.020 Purpose and Scope:** We suggest **inserting a #7 clause** that says something like **"Provides an ordinance and subsequent implementation of rules that minimizes costs, enforcement, complexity, labor, appeals and other processes while maximizing understanding and readability"**. The ordinance reads pretty well but we think it could get a little better!
- **.030 Definitions, DD. "Transfer":** Ensure that ST R licenses can be passed on through death, divorce, marriage, or inheritance, **and (add something like) any legal form of ownership that serves the same purpose.**
- **.060 License renewal, B. Transferability of Licenses:** Clarify and ensure this section is **consistent with the "Transfer" Definition in .030 above.** These two sections could be read to create some confusion with each other.
- **.080 Operational Requirements....., J. Contact Information:** **Allow some leeway** in the requirement "that a contact person be able to arrive on site within 30 minutes to address complaints that cannot be handled over the phone". The owners and most of our families live in the Portland area and it takes them about 2 hours to drive to Watseco, IF and when Highway 6 is clear!
- **.100 Additional Requirements,,,,,, B. Complaints, 2. STR Hotline:** In addition to allowing some leeway for a 30-minute on-site response time, **consider developing another ordinance requiring ALL owners in unincorporated Tillamook County be subject to the same type of complaint process and a hotline**, not just STR's. We believe it's unfair and unreasonable to require a hotline only for STR's where the number of complaints is likely to be much higher for non-SRT housing county wide. Initiating an amended requirement for response time in this ordinance, and developing a similar complaint hotline for all other kinds of housing is the right, non-discriminatory thing to do!

Sincerely, and thanks for listening to our considerations and suggestions,

Tom Foeller,  
and on behalf of my sibling co-owners Diane Foeller Miller, and Dan Foeller  
[tmfoeller@comcast.net](mailto:tmfoeller@comcast.net)  
cell/text 503-803-0390

## Lynn Tone

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**From:** Public Comments  
**Sent:** Tuesday, June 20, 2023 7:37 AM  
**To:** Lynn Tone; Sarah Absher; County Counsel  
**Subject:** FW: EXTERNAL: STRs & Oregon Coast Hosts

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**From:** Tim Richardson <trich125@gmail.com>  
**Sent:** Saturday, June 17, 2023 3:00 PM  
**To:** Public Comments <publiccomments@co.tillamook.or.us>  
**Subject:** EXTERNAL: STRs & Oregon Coast Hosts

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

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



## Lynn Tone

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**From:** TOM FOELLER <tmfoeller@comcast.net>  
**Sent:** Saturday, June 17, 2023 8:48 PM  
**To:** Sarah Absher; Lynn Tone; Public Comments  
**Cc:** Jim & Diane; Daniel Foeller  
**Subject:** EXTERNAL: Ordinance 84 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.]

Dear Sarah Absher, Lynn Tone; and Commissioners Skarr, Bell and Yamamoto,

My sister, brother and myself are owners of a Family legacy duplex on Watseco beach. We support the goal of a balanced, fair, common sense, enforceable, and reasonable approach to the STR ordinance that promotes family values and togetherness, livability, fair housing, and economic development. We appreciate the time and effort everyone has invested in this latest amendment to the Ordinance.

Please consider our comments that pertain to the STR licensing of our duplex and other multi-family properties. Our duplex is located at 18254 and 18260 Hwy 101 N, Watseco Beach, which is located West across 101 from the border between the Twin Rocks Friends Camp and the Sanitary District.

**Background:**

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Our plea: Help us protect and preserve our SRT status for future generations and visitors by considering the following draft Ordinance comments and suggestions:

- **.020 Purpose and Scope:** We suggest inserting a #7 clause that says something like "Provides an ordinance and subsequent implementation of rules that minimizes costs, enforcement, complexity, labor, appeals and other processes while maximizing understanding and readability". The ordinance reads pretty well but we think it could get a little better!
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- **.080 Operational Requirements...., J. Contact Information:** Allow some leeway in the requirement "that a contact person be able to arrive on site within 30 minutes to address complaints that cannot be handled over the phone". The owners and most of our families live in the Portland area and it takes them about 2 hours to drive to Watseco, IF and when Highway 6 is clear!
- **.100 Additional Requirements,,,,,, B. Complaints, 2. STR Hotline:** In addition to allowing some leeway for a 30-minute on-site response time, consider developing another ordinance requiring ALL owners in unincorporated Tillamook County be subject to the same type of complaint process and a hotline, not just STR's. We believe it's unfair and unreasonable to require a hotline only for STR's where the number of complaints is likely to be much higher for non-SRT housing county wide. Initiating an amended requirement for response time in this ordinance, and developing a similar complaint hotline for all other kinds of housing is the right, non-discriminatory thing to do!

Sincerely, and thanks for listening to our considerations and suggestions,

Tom Foeller,  
and on behalf of my sibling co-owners Diane Foeller Miller, and Dan Foeller  
[tmfoeller@comcast.net](mailto:tmfoeller@comcast.net)  
cell/text 503-803-0390

County Commissioners, Ms Abshar,

My name is Carol Hoke. I am a homeowner in Neskowin and a full time resident.

I am speaking today in full support of the adoption of Amended draft Ordinance #84.

I recognize that this draft is a result of many hours of hard work performed by a dedicated group of Tillamook County residents with a broad range of opinions and experiences. I have attended many of the committee meetings virtually and have observed the often robust discussions over each and every item of this document. A consensus was actually met by the committee on each vote and documented.

I do not think that all of the important issues required to satisfy the stated purpose and scope of the ordinance have yet been resolved with this draft. It is, however, a reasonable, negotiated compromise and I do support the changes which are significant steps in the right direction.

Occupancy guidelines, parking, garbage and noise are the issues that most obviously impact the liveability of our community, but health and safety are equally important. As a South Tillamook County Volunteer Corp neighborhood Captain, I appreciate the attention given to septic systems, fire & safety and emergency ingress and egress.

I implore you to approve the adoption of this draft to protect the "character of the established unincorporated neighborhoods to ensure compatibility and livability".

Thank you for your time and consideration.

**Lynn Tone**

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**From:** susankpeters@comcast.net  
**Sent:** Friday, June 16, 2023 10:24 PM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: STR Issues

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

Hello--I could not get the new quick template to work so am sending this email to document my support of the Oregon Coast Hosts group's position in the current County effort to change the STR system. I attended the June 13 hearing, and sent a letter several months ago but I note that one must have submitted comments or spoken at current hearings in order to join in any future litigation that may occur when the County makes changes that appear to be illegal. I currently have 2 STR permits for two units at 1260 Tillamook Ave., Oceanside, Or. 97134. Thank you, Susan K. Peters

## Lynn Tone

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**From:** mark roberts <mandm-roberts@comcast.net>  
**Sent:** Saturday, June 17, 2023 6:50 AM  
**To:** Sarah Absher  
**Cc:** Kurt Heckeroth; Gale Ousele; Don LaFrance; Guy Sievert; chadvictor76@gmail.com; Megan Gillas; Lynn Tone  
**Subject:** EXTERNAL: Re: June 22 Planning Commission Packet Link

**[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

As previously stated, I'll be unable to participate since I'm still traveling - back very soon in the USA

I've attached some interesting images for contemplating from here in northern Italy

First, lots of multi family dwellings here. Below is a six-plex ... which looks pretty nice to me. NOT an instant slum.



Second, many clever public investments. Below is a 'pocket park' probably 15'x100' with 10 pieces of play equipment





Third, there is a pedestrian/bikeway adjacent to the two above properties... which I use to get to the center of the village - visible adjacent to the pocket park, above

Fourth, zoning is mixed and specific. Adjacent to both the multi plex and the park is a farm. There must be more than just here, but this location had its grass cut today ... and a cow is surrounded by an electric fence









Finally, while admittedly I've been traveling in touristy places for the past 31 days and five countries, I've seen only one homeless person and zero tents on public roadways or spaces.

Mark

Sent from my iPad

On Jun 17, 2023, at 1:40 AM, Sarah Absher <sabsher@co.tillamook.or.us> wrote:

Good Afternoon Commission Members,

Here is the virtual link to the hearing

packet: [https://www.co.tillamook.or.us/sites/default/files/fileattachments/community\\_development/project/83653/planning\\_commission\\_packet\\_june\\_15\\_2023.pdf](https://www.co.tillamook.or.us/sites/default/files/fileattachments/community_development/project/83653/planning_commission_packet_june_15_2023.pdf)

Packets were mailed out yesterday afternoon. June 22<sup>nd</sup> meeting begins at 7:00pm.

Sincerely,

<image001.jpg>

**Sarah Absher**, CBO, CFM, Director  
TILLAMOOK COUNTY | Community Development

1510-B Third Street  
Tillamook, OR 97141  
Phone (503) 842-3408 x3412  
[sabsher@co.tillamook.or.us](mailto:sabsher@co.tillamook.or.us)

## Lynn Tone

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**From:** Public Comments  
**Sent:** Tuesday, June 20, 2023 7:37 AM  
**To:** Lynn Tone; Sarah Absher; County Counsel  
**Subject:** FW: EXTERNAL: STRs & Oregon Coast Hosts

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**From:** Carol Herzog <herzogcarol@hotmail.com>  
**Sent:** Sunday, June 18, 2023 8:03 PM  
**To:** Public Comments <publiccomments@co.tillamook.or.us>  
**Subject:** EXTERNAL: STRs & Oregon Coast Hosts

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

### To the Tillamook Board of County Commissioners:

I support Oregon Coast Hosts and their efforts to preserve property rights in Tillamook County.

Please refer to my previously submitted public comments, in which I have outlined my objections to the

proposed changes regarding STR regulations, such as limiting the number of transfers of one's STR permit,

imposing distance limits between vacation rental homes, reducing number of rental days allowed, etc.

I believe the changes you are considering are an impermissible taking, and a constraint upon my rights

as a property owner with an existing legal STR permit.

Since your time to review the numerous public comments is limited, I will not repeat all of my comments

here, but I want you to understand that my coastal home (7855 Brooten Mt. Loop, Pacific City, OR. 97135)

was purchased with a family member (not a large corporation) when I retired, and we would not be able to maintain it if our ability to rent it to others was curtailed in the many ways you

have proposed.

thank you for your consideration of my remarks, and for your service to Tillamook County.

Sincerely,

Carol Herzog  
Ziola F. Herzog Land Co. L.P.

## Lynn Tone

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**From:** Public Comments  
**Sent:** Tuesday, June 20, 2023 2:35 PM  
**To:** Lynn Tone; Sarah Absher; County Counsel  
**Subject:** FW: EXTERNAL: Fwd: Comments to STR draft ordinance

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**From:** Robin Eubanks <eubanks.robin@gmail.com>  
**Sent:** Tuesday, June 20, 2023 2:32 PM  
**To:** Public Comments <publiccomments@co.tillamook.or.us>  
**Subject:** EXTERNAL: Fwd: Comments to STR draft ordinance

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

Hello,

I'm writing to provide comments from the perspective of a vacation rental owner.

We have been coming to the Oregon Coast for the past several years as a way to escape the heat. We have always stayed in STRs, and have now decided that we would like to purchase our own place that we can use for 1/3 of the year and rent for 2/3 of the year, and ultimately plan to live fulltime in Oceanside when we retire in a few years. We are currently under contract to purchase a property in Oceanside which has an existing STR permit, and we are planning to close in the next few weeks.

We would not have been able to purchase the house had the existing permit not been transferrable. As such, I am a strong proponent for continuing to allow the permits to be transferred. I know the proposed ordinance permits a 1 time transfer, however, in lieu of trying to limit permits based on transfers, the permits could be limited through the "use it or lose it" model. If I, or a future buyer, are not able to transfer the permit, that has a direct effect on the marketability of my property, which has historically been a vacation rental. It is a huge benefit to know that I can continue to operate the STR as a way to offset the expense of buying a home on the coast and I would not otherwise be able to afford the house. **I would ask that the commission consider the following revisions to the draft ordinance:** (i) **people under contract to purchase a STR or with pending transfer applications at the time the ordinance is passed should not be counted as the "1" transfer being permitted** and (ii) **transfers of an existing license should be permitted without restriction so long as the home is being operated as a STR within 45 days prior to the date of transfer.**

It is also an undue burden on a property owner to force the property owner to update its currently permitted STR to comply with new building codes. Is this requirement going to be required for all other commercial uses, including hotels? If the property passes the inspection and was built to code at the time of construction and with respect to any remodeling, there should be no additional updates required, or if they are required, the law should fairly apply this requirement to all commercial uses, hotels, etc. as to be uniform in its application and not single out one class of property owner.

I understand the need for the moratorium on new permits, however, instead of implementing this on a county wide basis it may make more sense to look at the area and township to see how many STRs are within the area and come up with a system that allows areas that are underserved with STRs to have permits first. This could even be done on a block by block basis (no more than x per block permitted).

I understand that the commission has the difficult job of weighing the desires of the long-time residents with the STR owners. I would ask that the commission remember that some STR owners (such as myself) would love to be residents, but may not be able to afford it at the time of purchase, and having a STR is a vehicle that permits me to have ownership and involvement in the community. Not all STR owners are absentee, and many love the community and spend time there in addition to renting their property.

I respectfully ask that the commission consider my requests.

Thanks,  
Robin Eubanks

This is a personal public comment & not on behalf of any group.

Thank you for adding a 3rd public hearing. I am submitting additional public comment in lieu of verbal public comment. Written comments have repeatedly mentioned specific and valid concerns with the draft which have gone unaddressed. Families are facing continued financial harm by missing out on a second summer of prime renting season due to the pause.

#### **Short-Term Rental Advisory Committee (STRAC)**

The BOCC order extending the pause has misinformation. Section G states that County staff & the STRAC "have been studying livability issues" and "have made recommendations to the Board of Commissioners for the replacement of Ordinance No. 84 with a new regulatory program..." The STRAC has read public comments and discussed livability. We requested data regarding livability to better understand the impact of STR guests, residents, guests of residents, and day visitors in our communities, but no study on livability has been done. At no time did the STRAC recommend replacement of Ordinance #84. This effort has been driven by the county, and as a member of the STRAC I respectfully ask that the county not continue to signal that these extreme efforts be credited to the STRAC. We were given a draft ordinance to review. The STRAC worked very conscientiously with thoughtful discussions, though limited in scope by the county. This process has been ongoing for 18+ months, only meeting roughly once a month, and STRs are simply not on par with public health emergencies which include disasters such as tsunamis, earthquakes, wildfires, hurricanes, tornados, and pandemics. A 1% growth limit is essentially a continued moratorium as working with each community will takes years.

#### **24-7 Contact Person**

At public hearing #1 Commissioner Bell asked about the ability of STR owners to list more than one contact person with Granicus. The Community Development Director responded, "Yes." Unfortunately, this does not match the answer I was given when I recently reached out to the permit technician to provide backup contact info due to travel. Here are several iterations of the resulting conflicting response from the County:

*"While the account was updated only one number can show ... and that number is yours."*

*"This fact is beyond our control as the system we use has limitations."*

*"Having multiple contacts would not help you in this situation."*

*"The Granicus system only has one slot for a number, so the answer is no and that is beyond our control..."*

Despite saying otherwise at the public hearing, it appears STR permit holders may only have one contact number listed with Granicus, so having backup contact people is entirely useless. Additionally, the county is introducing a minimum \$100 fee to change a contact person. This is cost-prohibitive and will disincentivize people to have correct contact information when short periods of temporary coverage are needed. I again encourage the County to join the digital age and have an online directory where owners can log in and change their contact person with an immediate update via software being linked to Granicus. If the County truly prioritizes compliance over punishing owners, then an online directory is an excellent solution.

#### **30 Minute Response**

At public hearing #2 it was noted that the 30 minute response requirement is not new. The requirement for a 30 minute *in-person* response is new. Further, Commissioner Skaar explained that a phone response is required within 30 minutes, and then in-person within 60 minutes if the concern is not remedied. I agree that this is the intention of the proposed regulation, however the ordinance does not clearly state this:

- "The contact person shall respond/answer immediately..., 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" (.080 H)

An important missing piece of data is the number of STR complaints that have not been able to be resolved without an in-person response. For example, knowing how many of the 27 complaints in all of unincorporated Tillamook County from 2019-2022 required an in-person response to resolve would be very valuable information when making regulations. With only one single violation county-wide from 2019-2022, this new regulation is simply not warranted.

#### **Resort Community**

It's a fact that the 2019 *Tillamook County Housing Needs Analysis* referred to Neskowin as a "resort" community simply due to our high percentage of seasonal homeownership. This designation is straight from Tillamook County and is not an opinion ("Most new housing construction has occurred in coastal "resort" towns, such as Manzanita, Neskowin, Pacific City and Rockaway Beach, where 66%-80% of the total housing stock is now owned by part-time residents" [p.10](#)). STRs make up only a fraction of the homes owned by part-time residents. I have no doubt that Neskowin has seen many changes through the decades, but I can assure Tillamook County that Neskowin's "character" does not need "protection" from my STR as stated in the Purpose & Scope of the draft ordinance. My cottage has contributed to the character of Neskowin for nearly 100 years. Some of the loudest voices protesting STRs in Neskowin are from people who moved to Neskowin within the last few years. Choosing to move to a "resort" area with STRs already in place, and then decrying the existence of STRs doesn't align well with respecting the historical nature of our community where STRs have been prevalent for many decades.



## **Neskowin STR Violations**

STRs in Neskowin had zero violations in 2019, 2020, 2021 & 2022.

## **Profitability**

I encourage the BOCC to review the economic data provided by Tillamook Coast Visitor's Association regarding average income for homes with STR permits. For a large majority of homeowners, STRs are not a money making venture. Speaking from experience, this is a labor of love. Even during 2021's record high occupancy due to the pandemic, I did not break even. My income from renting goes back into my home in the form of hiring local businesses for ongoing projects.

## **Corporate Ownership & Multiple-Homes Ownership**

I have repeatedly asked for facts to back up the claim so often repeated about corporate ownership of STRs in Tillamook County. The County has not provided this information, yet the BOCC referred to corporate ownership as not only a fact, but a concern. I can tell you from evaluating the STR permit list that approximately 93% of homeowners with STR permits have only one single permit in Tillamook County. The BOCC stated that "mom & pop" STRs are not the problem, but we are certainly paying the price. Only a handful of families have 4-5 STR permits. It would be helpful to have facts to back up these statements instead of regurgitating the "boutique hotel" misconception. One would hope that our commissioners would be well-informed and not perpetuate rhetoric in disregard for facts. The number of homes which may fall into the sole investment category appears to be very small. If the BOCC would like to pick one growth management tool, then limiting future ownership seems like the best fit to address this concern instead of caps in neighborhoods which are historically seasonal.

## **Permit vs License**

Tillamook County cannot rewrite history in an attempt to change the narrative. Current STRs have permits. A strikethrough of 'permit' here or there and replacement with 'license' isn't retroactive. The switch on annual permit renewal receipts to licenses in May 2023 is meaningless. The ongoing dialog which has shifted from referring to current permits as licenses is further highlighting that there is an important difference between the two terms. I don't agree with Dan Kearns on much, but I will agree with his statement that a permit is a defined term under state land use law. The fact that the last "permit" verbiage in the proposed draft to be changed was in the actual title of the ordinance speaks volumes. It's simply not that easy to remove permits in reality.

## **Golden Ticket**

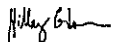
I heard loud & clear that the Commissioners do not want current permit holders to have Golden Tickets (the value added by a transferable STR permit upon home sale). This is a legal issue, and should not be in the hands of the BOCC. I respect their opinion to avoid Golden Tickets, but they are essentially creating Golden Tickets by limiting STRs. There are many ways to boost one's home value: Ocean view, primary bedroom suite, updated kitchen & bathrooms, enhanced landscaping etc... A permit is no different from any other home feature that can increase value. The free market does not require homeowners to diminish their property value to maintain affordability below market value in a highly sought after location such as the Oregon Coast.

## **Current STR Permits**

At the end of the day, it may be best for Tillamook County to simply acknowledge that the current STR permits have land use rights and need to be legally allowed to continue in accordance with the law. In the grand scheme of things, the permit list will shrink, though I have no doubt that many homes which have always been STRs will continue to serve that essential role along the Oregon Coast moving forward. New licenses under Amendment 2 may have new regulations, but current STR permits have legal rights under Amendment 1 which need to continue, including transferability in perpetuity. My cottage has historical use as an STR which should not be limited by any type of percentage cap, or distance limit.

## **Rules & Regulations**

Regulations need to be simple, fair, and balanced. A mechanism for false complaints needs to be included. STR owners need clarification on violations. As written, it appears one's right to rent may be lost with one single infraction's domino effect. If the contact person is not up to date (violation), so there's no response (violation), and there's a valid complaint (violation), is that one single violation, or did someone just lose their ability to operate an STR with three strikes? The entire draft is disorganized, has too many overreaching rules, vague regulations, and conflicting information in addition to significant legal concerns. Tillamook County should consider alternative solutions.



Hillary Gibson



## Lynn Tone

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**From:** Public Comments  
**Sent:** Tuesday, June 20, 2023 11:09 AM  
**To:** Lynn Tone; Sarah Absher; County Counsel  
**Subject:** FW: EXTERNAL: Support for comments and legal concerns submitted by Oregon Coast Hosts

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**From:** Lloyd Hayne <lloyd@lloydhayne.com>  
**Sent:** Tuesday, June 20, 2023 8:01 AM  
**To:** Public Comments <publiccomments@co.tillamook.or.us>  
**Cc:** linda.h@lloydhayne.com  
**Subject:** EXTERNAL: Support for comments and legal concerns submitted by Oregon Coast Hosts

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

**To:** Tillamook Board of County Commissioners  
Tillamook County Community Development  
[publiccomments@co.tillamook.or.us](mailto:publiccomments@co.tillamook.or.us)  
[mfbell@co.tillamook.or.us](mailto:mfbell@co.tillamook.or.us)  
[dyamamoto@co.tillamook.or.us](mailto:dyamamoto@co.tillamook.or.us)  
[eskaar@co.tillamook.or.us](mailto:eskaar@co.tillamook.or.us)  
[sabsher@co.tillamook.or.us](mailto:sabsher@co.tillamook.or.us)

**From:** Lloyd & Linda Hayne  
250 Reeder St  
Short Term Rental Owner

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

We, Lloyd and Linda Hayne, are Short Term Rental Owners in Avalon West. Many of these issues were raised at the last hearing and in hundreds of public comments, but the new draft does not address them. As written, if this draft proceeds to a vote and is approved, then we support litigation to protect our property rights.

We are both retired and purchased the property in 2020 as a vacation home for ourselves and family. This is our retirement vacation home. We and our children use it regularly when not rented. We rely on the income from our short term rental guests to be able to afford our home.

These are our top 3 general concerns:

- No evidence to support restrictive new regulations - only 9 violations in 4+ years
- Replacement of current permits with licenses
- State building code prohibits forcing historic buildings to “come up to code”

These are our top 3 operational specific concerns:

- Parking: Owners can not enforce rules against parking on public streets

- Exterior Signs - Requiring expiration dates on exterior signage is unnecessary and wasteful as it will necessitate new signage annually and may invite vandalism and trespassing, especially in places where the home is not visible at all from the public right of way.
- Provision is needed to protect STRs from harassment via unfounded complaints.

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

Sincerely,

Lloyd Hayne  
Linda Hayne

## Lynn Tone

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**From:** Sarah Absher  
**Sent:** Tuesday, June 20, 2023 8:52 AM  
**To:** Lynn Tone  
**Subject:** FW: STR Public Comments 84 Suggested Edits  
**Attachments:** 84.word.pdf

Please include the email and attachment as public record.

Thank You,



**Sarah Absher**, CBO, CFM, Director  
TILLAMOOK COUNTY | Community Development  
1510-B Third Street  
Tillamook, OR 97141  
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[sabsher@co.tillamook.or.us](mailto:sabsher@co.tillamook.or.us)

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**From:** Hillary Gibson <hillary.gibson@me.com>  
**Sent:** Tuesday, June 20, 2023 8:22 AM  
**To:** Sarah Absher <sabsher@co.tillamook.or.us>; Bill Sargent - Personal <bill@williamksargent.com>  
**Cc:** Erin Skaar <eskaar@co.tillamook.or.us>; Mary Faith Bell <mfbell@co.tillamook.or.us>; David Yamamoto <dyamamoto@co.tillamook.or.us>  
**Subject:** EXTERNAL: 84 Suggested Edits

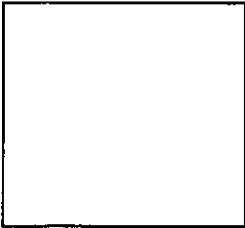
[NOTICE: This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe.]

Sending this separately as it is not intended to be official \*public comment\* but merely specific feedback for consideration as the draft is updated.

I think a fresh start with a clean slate may be best, but if the county insists on going with this draft, then please consider some edits.

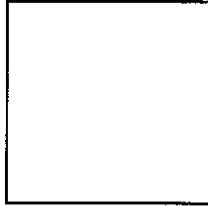
Thanks so much,  
Hillary Gibson



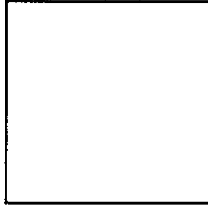


# HILLARY GIBSON

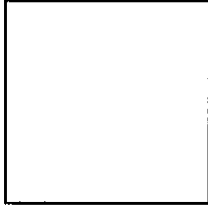
BREAKERS END LLC, VACATION RENTAL HOME



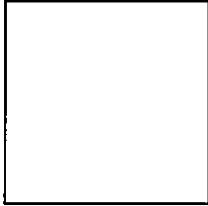
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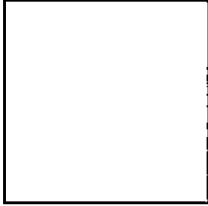
@neskowinbeachcottage on instagram



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www.BreakersEnd.com



NESKOWIN VILLAGE, OREGON COAST

suggested edits for consideration

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR

TILLAMOOK COUNTY, OREGON

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

Legally cannot simply strike through "permit" and rename it a "license"  
Current permit holders may legally retain STR permits under Ord 84 - Amendment 1

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

The Board of Commissioners for Tillamook County ORDAINS as follows:

- .10 Title.** The provisions contained in this Ordinance are intended to authorize and regulate the short-term rental use of residential dwelling units on properties in unincorporated Tillamook County and shall be known as the Tillamook County Short Term Rental Ordinance.
  - A. Repeal. Tillamook County Ordinance 84, Amendment 1 (adopted April 19, 2019) (Tillamook County Short Term Rental Ordinance) is hereby repealed in its entirety. Current STR permit holders should continue under Amendment 1 & new licenses could be under Amendment 2
  - 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."

**.20 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. With Tillamook County defining some areas as "resort" areas due to high percentage of seasonal home ownership, this purpose is off target. How does the county define an established owner-occupied neighborhood?
  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.  
  
Why does this ordinance apply to all STRs when it targets full-time STRs?  
How is a full-time STR defined?  
How does the county define "established" 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.

**PURPOSE & SCOPE - suggested simplification**

The purpose of this Ordinance is to reasonably regulate STRs in Unincorporated Tillamook County, with the following goals recommended as key to preserving the health, safety, and general welfare of the community:

1. Clearly define STRs.
  2. Manage growth of STRs.
  3. Establish basic safety regulations for visitors renting STRs.
  4. Promote active enforcement of evidence based rules & regulations.
  5. Balance livability in residential neighborhoods with the rights of property owners.
  6. Preserve character of traditional vacation destination locations.
  7. Mitigate potential nuisance concerns related to STR activity and promote solutions for compliance.
  8. Recognize benefits including tourism economy and providing local employment opportunities.
  9. Ensure a variety of accommodations to promote public beach access in alignment with Oregon Beach Bill.
- 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. *Please reference data to support this - not opinions. In historical neighborhoods with high seasonal use, one may say that full-time residences are altering the neighborhoods. Maybe we need a cap on full-time residences which are incompatible with*

*resort areas (rhetorical question to illustrate how illogical that sounds when the tables are turned).*

- 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. This Ordinance only applies to dwellings during times of use as an STR. Owners and their non-paying visitors are not bound by these regulations. *[Suggest adding this text to make it crystal clear that homeowners themselves are not subject to STR standards including occupancy, noise, parking etc., as this is a frequently asked question]*
  - E. 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.
  - F. 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.
  - G. The short-term rental use of a dwelling unit does not, in itself, require a home occupation permit.
  - H. *Administrative Rules.* The County's STR Administrator shall have the authority to establish administrative procedures and regulations consistent with the provisions of this Ordinance for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the provisions of this Ordinance. A copy of such administrative procedures and regulations shall be on file in the Office of the County Clerk 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). Does not account for small cottages
    - An emergency escape and rescue opening (ORSC R310)
    - A built-in closet, clothing closet organizer, armoire or similar clothing rack or clothing storage

unit. How is this relevant to safety? County even said a "basket" would suffice.

- A smoke alarm (ORSC R314.3) where required.
  - A carbon monoxide detector (ORSC R315.3) where required. Where is that - conflicting info
  - 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 [vague] promulgated thereunder; (2) the Applicant, Owner or Contact Person has failed to comply with any special conditions placed upon the Short-Term Rental License; or (3) the Short-Term Rental has been operated in a manner that adversely affects the public health or welfare or the safety of the immediate neighborhood in which the Short-Term Rental is located.
- O. "Good Neighbor Policy" means a policy furnished by the County STR Administrator that summarizes general rules of conduct, consideration and respect, and includes without limitation provisions of this Ordinance applicable to or expected of guests occupying the Short-Term Rental.
- P. "Nighttime Occupancy" means overnight occupancy between the hours of 10:00pm and 7:00am the next day. "Nighttime occupants" means the guests who may occupy a short-term rental overnight.
- Q. "Non-transient rental" means to rent a dwelling unit or room(s) for compensation on a month-to-month or longer basis.



- R. "Onsite Wastewater Division" means the Onsite Wastewater Division of the Department of Community Development.
- S. "Onsite Wastewater Treatment System" means any existing treatment and dispersal system of residential wastewater.
- T. "Owner" means the natural person or legal entity that owns and holds legal or equitable title to the property.
- U. "Registrant" means the owner of a dwelling unit who holds a Short-Term Rental License.
- V. "Renter" means a person who rents a short-term rental or is an occupant in the short-term rental. Renter includes the term "tenant".
- W. "Road Authority" means the Tillamook County Public Works Department and the Oregon Department of Transportation (ODOT).
- X. "Road Right-of-Way" means a public or private way that is created to provide ingress or egress for persons to one or more properties. The terms "street", "access drive" and "highway" for the purposes of this Ordinance shall be synonymous with the term "road right-of-way".
- Y. "Serious Fire or Life Safety Risk" means a building code or ordinance violation involving those construction, protection and occupancy features necessary to minimize danger to life from fire, including smoke, fumes or panic, as well as other considerations that are essential to life safety.
- Z. "Short-Term Rental" or "STR" means the transient rental of a dwelling unit in its entirety *to any person on a day to day basis for a consecutive period less than 30 days per month ["per reservation" or simply "less than 30 consecutive days" - some 30+ days stays are spread over two months so this language creates discrepancy with law by adding "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 or STR permit under Ordinance 84 - Amendment 1.
- C. *Cap on Number of STR Licenses In Effect for Unincorporated Communities and Properties within City Urban Growth Boundaries.* The County shall establish a limit (*a cap*) on the number of STR Licenses that can be in effect at any one time for defined residential subareas within unincorporated Tillamook County and shall establish those caps by Board Order. If at the time of STR application for a new STR license there is not room within the applicable subarea cap to accommodate the new STR license, the County will return the application and place the applicant's name on a waiting list in order of application. After that, the County STR Administrator will contact each STR applicant on the waiting list in order as soon as there is room within the applicable subarea cap to admit a new STR application. The STR license application fee shall not be collected if there is not room within the applicable cap to accommodate the STR; however, the applicant shall pay a \$100 fee to be placed on a waiting list.

**.50 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. Multiple contacts for back-up should be allowed due to 24/7 coverage mandate & this information should be in online database that owners can login to update. June 16, county says only one contact at a time allowed with Granicus.
  - 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. unless not available by franchise hauler

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. *Where is this applicable - How do applicants know?*
  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 [overreach], individually and collectively, and the County's representatives, officers, officials, employees, agents and volunteers from any and all claims, demands, liabilities, or costs at any time received, incurred, or accrued as a result of, or arising, out of the Owner's actions or inaction in the operation, occupancy, use, and/or maintenance of the property.
  11. Such other information as the County's STR Administrator deems reasonably necessary to administer this Ordinance.
- B. *Inspections.* The applicant shall specifically acknowledge and grant permission for the County's STR Administrator to perform an inspection of the short-term rental.
1. The County's STR Administrator may conduct a site visit upon *receipt of* an application for a Short-Term Rental License or renewal to confirm the number of bedrooms stated on the application, the number, location, availability and usability of off-street parking spaces, and compliance with all other application and operational requirements of this Ordinance. The site visit will be coordinated with the applicant, conducted during normal business hours, and with reasonable notice.
  2. The County's STR Administrator may visit and inspect the site of a short-term rental at any time during the operation of the short-term rental to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice and other procedural safeguards as necessary. Violations of this Ordinance shall be processed in accordance with Section .120.
- C. *Incomplete Application.* If a short-term rental application does not include all required information and documentation, the application will be considered incomplete and the County will notify the applicant, in writing, explaining the deficiencies. If the applicant provides the

missing required information within 21 calendar days of the date of the incomplete notice, the application will be reviewed. If the applicant does not provide the required information within 21 days of notice, the application will be deemed null and void.

- D. Licensing Fees. The fee for application for a Short-Term Rental License, license renewal or alteration of an existing license shall be as established by Board Order.

Fees can be set by BOCC, but they need to be capped at 5% increase per year as stated in Ordinance #84 - otherwise fees can skyrocket to be used as a tool to reduce STRs.

Re-inspections should be every 5 years - this aligns with septic tank pumping guidelines, and the inspectors are currently understaffed and repeatedly missing appointments.

#### **.60 Term of Annual License and Renewal**

- A. *Term*. A Short-Term Rental License is valid for one year (12 months) and shall automatically expire if not renewed on or before the *last day of the month of the anniversary date* of each ensuing year. If the contact person (authorized agent) changes during the 12-month period, the property owner or authorized agent shall notify the County in writing of the change within thirty (30) days of the change and provide all new contact and tax payment information. Change of contact person is an alteration to an existing Short-Term Rental License and shall be subject to a fee established by Board Order.

Add 30 day grace period after renewal due date

\$100 minimum to update a mailing address or contact person - Exorbitant. If there will be a fee, then there needs to be an online option for owners to update their own profile for free.

- B. *Transferability of STR Licenses*. Any STR License existing at the time of adoption [zero - county has not issued STR licenses] 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.

#### **.70 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 applicable requirements for initial approval or annual renewal of the Short-Term Rental License. The applicable requirements also operate as continuing code compliance obligations of the owner/contact person. County staff may verify evidence submitted and statements made in support of an application, and the applicant shall cooperate fully in any such inquiries. For the initial application renewal every three five 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. [Photo unnecessary - will be visible upon inspection] All required parking shall be on-site (off-street) except as follows:
  - a. Required parking may be permitted on another or different property within 500 feet of the subject property with a legally binding shared parking agreement or proof of legal parking access that remains valid for the length of time the subject property has a Short-Term Rental License. *Off-site parking is subject to the requirements of .0B0(E).*
  - b. Up to two (2) required parking spaces may be satisfied with on-street parking provided on-street parking is within 100-feet of the subject property boundaries and authorized by the Tillamook County Public Works Department. On-street parking spaces shall be a minimum size of 8-feet by 20-feet each, *or a lesser dimension authorized by the Tillamook County Public Works Director.* On-street parking proposals shall be reviewed by the Tillamook County Public Works Department. Written authorization of the parking spaces shall be submitted to the Department at the time of application submittal.
  - c. Designated parking is available for guests within a private development where authorization for use of parking in conjunction with a STR has been granted by the development Homeowner's Association (HOA). Written authorization from the HOA confirming use of off-site parking shall be submitted to the Department at the time of application submittal. The number and location of parking spaces authorized to be utilized in conjunction with the STR shall be included in the written authorization.
2. Each off-street parking space shall be a minimum of 8-feet by 16-feet and configured in a manner that ensures parking spaces are accommodated within the property boundaries.
3. No STR property shall have more than six (6) parking spaces total for overnight guests. Two (2) additional parking spaces may be allowed for daytime guests. Parking shall not, under any circumstances, hinder the path of any emergency vehicle. [This is unfair to current STRs which are currently \*required\* to have as many as 10 parking spaces - currently permitted STRs should be able to continue under Ordinance 84 Amendment 1]
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. This is correct & agreed upon by STRAC, which is different from "requiring" off-street parking referenced .080 E

- 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 Fifth 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 fifth year thereafter, the applicant must obtain and provide to the County evidence of the satisfactory inspections described in Section .090.

**.80 Operational Requirements and Standards for Short-Term Rentals.** To qualify to obtain or retain 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, [plus up to three (3) children, age 12 or under - this info is in the example following, but omitted from max occupancy description]. 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. *Personally, I think easiest to stick to 2 per bedroom + 2 and not count guests age 5 and under. Also, county needs to note that the 3 extra children do not count towards occupancy calculations with Operator License Fee. KEEP IT SIMPLE - Ditch the Estate Home classification and just do 2 per bedroom + 2 extra, guests age 5 + under don't count, max total 16 guests over age 5. (currently permitted STRs continue under Ordinance 84 Amendment 1 with no required reductions in occupancy - many homes have already voluntarily lowered occupancy).*
- B. Regardless of the number of bedrooms [contradicts Estate Homes], the maximum nighttime occupancy of an STR [*with 4 bedrooms or less*] 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.

*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. [Owners can't restrict or enforce parking in any public right of way & this contradicts previous verbiage agreed upon by STRAC to prioritize off-street instead of prohibit on-street .70 D5] 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.

If street parking is not SAFE for STR guests, then it is not safe for day visitors or residents. If residents need street parking, then permits or signage should be considered. Public parking cannot be restricted for a select group.

- E. ~~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.~~

1. *Quiet Hours.* The hours of 10:00pm to 7:00am the following day are quiet hours, and there shall be no amplified music or ~~other unreasonable~~ noise during quiet hours that can be heard beyond the property boundaries of the short-term rental property. [The term 'other' is too vague - this could be a cough, sneeze, car, AC unit, baby crying etc... noise must be unreasonable & sustained to be a nuisance - if Tillamook County won't enact a noise ordinance then it needs to be more reasonable here in the absence of decibel limits] *The owner or contact person shall respond to all [valid] noise complaints during quiet hours within 30 minutes of when the County's STR complaint dispatch center sends a message about a received complaint regarding the short-term rental. Failure to respond shall be considered a violation [only for valid complaints] of this ordinance [in addition to an actual noise violation - is this creating two violations for one issue, or just one single violation?] and subject to the provisions of Section 130.* There should not be a penalty if the noise complaint is not valid within more specific parameters. Allowing "other noise" during quiet hours to be a possible violation in a county without a noise ordinance is a very slippery slope for STRs to be targeted by neighbors, which we are already seeing.

*Suggested Edit: From 10pm-7am there shall be no amplified music, no loud singing, no loud talking and no other audible noise by guests shall exceed forty (40) decibels for more than five (5) minutes during quiet hours at any property line of the STR. There are free mobile apps available to measure decibels.*

- F. *Zoning Compliance.* The property shall be in compliance with all applicable County zoning requirements and any development permits related to the subject property *at time of construction.* 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.

- G. *No unpermitted improvements or bedrooms.* All electrical, structural, plumbing, venting, mechanical and other improvements made to a licensed short-term rental *which require a permit* shall be fully permitted. Any sleeping area [there are no more "sleeping areas" - just bedrooms] used as a bedroom shall be inspected and permitted in accordance with the requirements of this Ordinance. Areas not approved for use as a bedroom shall be locked [nonsensical - all homes have "areas" which are not bedrooms - I believe the county means non-compliant bedrooms] 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. [A cottage with 2 bedrooms that are both less than 70 sq feet would need to lock the bedrooms and essentially lose use as an STR? What is the solution in this case that doesn't involve bulldozing an original cottage?]



H. *Contact Information.* Each registrant shall provide the name and contact information of a contact person [we need to be allowed to provide a list of backups that can be contacted due to challenge of 24/7 coverage] 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 [immediately is not the same as 30 minutes] 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. [On-site within 30 or 60 minutes? The intention is 60 minutes, so please be clear] 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. [A single violation or three individual violations? If one complaint results in a single failure to have current contact info, resulting in no immediate response, and then a resulting violation does that mean an owner could lose their permit in one fell swoop with 3 violations from a single event? Please make this clear that is not the intention.]

- I. *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 or owner, or owner's representative 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 [A 2 bedroom cottage may need 4 carbon monoxide alarms?].

*The International Association of Fire Chiefs recommends a carbon monoxide detector on every floor of your home, including the basement. A detector should be located within 10 feet of each bedroom door and there should be one near or over any attached garage.*

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. Lighting can be an important safety feature to prevent trips & falls in unfamiliar areas - motion sensor lights should be allowed without needing to face downward. Dark Skies initiative could be considered community-wide to have intended impact.
12. The house number shall be prominently displayed and maintained, and be visible from the street *road right-of-way*.

J. Emergency Escape and Rescue Openings for bedrooms:

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

K. *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 *[not always needed]* provided by the franchise *[on-call service is sufficient - weekly can be cost prohibitive for STRs that are not high volume & not all of county has franchise hauler]*. ~~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. *[Assisted pick up can be an extra cost which varies by franchise & county should consider requiring only as needed]*.~~ 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. [BOCC - Bring curbside recycling to Tillamook County!]

L. *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 [front door is not always most common entry - suggest modifying this to requiring posting near primary point of entry]. 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 [Why? The County does not provide this annually for permits - adding expiration dates will necessitate annual replacement of postings]. 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. [Why would a guest need the STR hotline on the interior mandatory posting? They're going to call it with questions for the owner or manager and that will frustrate everyone.]
  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 [suggest every 5 years with reinspection - wasteful for county to mail a new map annually].
  3. Good Neighbor Policy and Guidelines. The property owner and contact person shall acknowledge the County's Good Neighbor Policy, and shall post them in every short-term rental [County should provide if requiring posting]
0. 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: [An online directory would be a great alternative which would remove the need for all STRs to be marked with large exterior signage which can invite trespassers and detract from neighborhood character. The County should consider a single sign with STR hotline at various neighborhood entry points, instead of hundreds of individual signs]
1. The Short-Term Rental License registration number to confirm a license has been issued by Tillamook County, with the date of expiration; [Why is expiration date needed? This means a new sign would need to be purchased annually \$\$\$.]
  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;

*Optional:*

4. The name of the contact person (or entity) [name should be optional as different people may share 24/7 coverage from a single number - unclear if name & number are optional, or if just the number is optional] 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.

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

- A. *Inspection Required.* The owner of the short-term rental dwelling unit shall obtain an inspection by the *County Building Inspector* to inspect the dwelling unit and determine compliance with applicable fire and life safety code requirements for occupancy of the dwelling unit 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 at time of dwelling construction. 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. [60 days is too short - 60 days should be time in which homeowner contracts with a professional to rectify major repairs - homeowners need more time as work can be difficult to complete in such a short timeline. Minor repairs 60 days.]

[Several reinspection appointments have been no-shows by the County in 2023, which is a significant inconvenience and expense for homeowners and property managers. If a confirmed reinspection appointment is missed, then a 30 day clock for reinspection shall reset and the reinspection fee shall be waived. This is another reason why 5 year re inspections should be considered - it appears the county is not equipped to handle a 3 year rotation]

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

1. If the system was installed more than five (5) years from the time of STR application submittal, the property owner shall obtain an Authorization Notice (AN) from the Department Onsite Wastewater Division. Included in the authorization must be information to allow a calculation of the number of allowed bedrooms based on the capacity of the septic system. Final determination of the capacity and suitability of the septic system shall be made by the Onsite Environmental Program Manager (or their designee) and will share the determination with the County STR Administrator. An ESER (Existing System Evaluation Report) meeting these standards and conducted within five (5) years of the date of the Short-Term Rental application or renewal may be submitted to fulfill this requirement.
2. If the Onsite Environmental Program Manager identifies any deficiencies in the system, the property owner shall cure/correct the deficiencies within 60 days of the date of review of an ESER or AN, or within the specified timeframe for completion of the reinspection as specified in subsection B above, whichever occurs first. A Short-Term Rental License shall not be issued under this section until after repairs are made and approved by the County. If the owner fails to cure the deficiencies within the time required, the Short-Term Rental application shall be denied.
3. The initial AN or ESER for an existing short-term rental is required in accordance with a phasing plan adopted by the County, but no later than December 31, 2024. After an initial AN or ESER is obtained, the property owner shall thereafter be required to conduct periodic maintenance of the system, undertaken by a DEQ authorized contractor, which at a minimum shall include inspection of the system (and as needed, pumping or repairs) prior to renewal of the Short-Term Rental License. [This need for ANNUAL inspection was agreed to be too often by the county and intended to be a desk review, but the text was not updated and continues to require annual inspection which is only needed once every 5 years]. 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 [Why would anyone need to be available 24/7 for neighborhood questions - what is that?], concerns, or complaints in a reasonably timely manner [vague] depending on the circumstances and shall ensure to the best of their ability [vague - owners can't be responsible for behavior of other people, but can make the rules known] 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 [do LTR landlords have this same requirement for their tenants?].

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 complaints regarding the condition, operation, or conduct of occupants of the short-term rental. Unresolved complaints determined by the STR Administrator to be a violation of this Ordinance shall be subject to Section .130 [Please match other language about response time to this vs "immediate" and clarify that the time for in-person is 60 minutes total. Please allow owners or managers to note to Granicus or the County if an in-person response was not possible due to personal safety concern - this was discussed as an option by the STRAC for a rare situation that may be better handled by law enforcement. Owners/Managers should not place themselves in harm's way for fear of a violation].
  3. *Record of Response.* The property owner or contact person shall maintain a record of complaints and the actions taken in response to the complaint, if relevant, in an electronic or written manner deemed reasonable to document the interaction. This record shall be made available for County inspection upon request to investigate all complaints.
  4. *False Complaints.* Complaints need to be made in good faith and not with the intent to harass STR owners. Individuals who make more than 3 unverified or false complaints per year shall be required to participate in mediation by Tillamook County. Fees to individuals for false complaints shall be set at the same level as fees for violations to owners. Anonymous complaints are not valid. [please consider adding suggested text in response to STR owners being targeted - sometimes unfairly].
- 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.* [This should simply fall under a noise violation, or community standards for all visitors and residents]

4. Activities that exceed noise limitations contained in this Ordinance [redundant]

**.110 Implementation of this Ordinance and Application to Short-Term Rentals Licensed on the Date of its Adoption** *[There are NO licensed STRs on the date of adoption - there are only STRs with PERMITS].* 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 [overreach] 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. [Remove because a 30 day grace period is being added]
2. Three (3) or more verified violations of any local ordinance, state or federal regulation within a 12-month period [violations should be limited to this Ordinance].
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 [needs to be intentionally false to merit removal - owners & managers should have opportunity to correct false info before revocation]
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. [Could this be more vague?!]
5. Upon an emergency suspension or revocation of a Short-Term Rental License deemed necessary by the STR Administrator for public health and/or safety reasons, short-term rental activity shall cease immediately. If suspended, the short-term rental shall not be rented or used as a short-term rental until the emergency that exists has been resolved to the satisfaction of the STR Administrator.

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

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

- A. *Filing Requirements . Notice.* The property owner or authorized agent may appeal a decision to approve, renew, deny or revoke a Short-Term Rental License.
- B. *Authority to Decide Appeal.* The STR Hearings Officer shall be responsible for deciding all appeals under this Ordinance.
- C. *Time for Filing.* A property owner or authorized agent shall file a written notice of appeal, including a written description of the legal basis for the appeal, no later than 14 calendar days after the license application, license renewal or other determination being appealed was issued. This requirement is jurisdictional, and late filings shall not be accepted.
- D. *Fee for Appeal.* The County shall establish a fee for filing and appeal hearing of not less than \$500 under this section, payment of which shall be a jurisdictional requirement.
- E. *Procedures.* The County's STR Administrator may establish administrative procedures to implement the appeal process provided in this section, including any required forms. The STR Administrator may adopt procedures for hearings not in conflict with this section, including but not limited to time limitations on oral testimony and on written argument.
- F. *Hearing.* Within 35 days of receiving the notice of appeal, the STR Administrator shall



schedule a hearing on the appeal before the STR Hearings Officer. At the hearing, the appellant shall have the opportunity to present evidence and arguments as may be relevant.

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

H. *Standard of Review and Decision.* The STR Hearings Officer shall determine whether the County's decision was based on a preponderance of the evidence or the correct interpretation of the requirements of this Ordinance. A decision of the STR Hearings Officer shall be based on the evidence in the record and be issued in writing within 30 days after the record closes. The STR Hearings Officer may uphold the County's decision, uphold the decision with modifications or reverse the County's decision. If the STR Hearings Officer upholds a decision to revoke the Short-Term Rental License, the Hearings Officer shall order the property owner to discontinue operation of the dwelling unit as a short-term rental immediately. If the Hearings Officer reverses a decision to revoke the Short-Term Rental License, operation of the short-term rental may continue under the Short-Term Rental License.

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

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

**.160 Effective Date**

*The Board of Commissioners finds that the enactment of this Ordinance is necessary for the public health, safety and general welfare, that an emergency exists [what data or facts back up this "emergency" declaration?] and this Ordinance shall take effect immediately upon passage by the Board of County Commissioners on the date of its adoption.*

Date of First Reading: May 30, 2023. Date of

Second Reading: June 13, 2023.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2023.

BOARD OF COUNTY COMMISSIONERS FOR  
TILLAMOOK COUNTY, OREGON

Mary Faith Bell, Vice Chair David

Yamamoto, Commissioner

\_\_\_\_\_  
Erin D. Skaar, Chair

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

..• Aye Nay Abstain/Absent

\_\_\_\_ / \_\_\_\_\_

\_\_\_\_ / \_\_\_\_\_

\_\_\_\_ / \_\_\_\_\_

ATTEST: Tassi O'Neil, County Clerk

APPROVED AS TO FORM:

By \_\_\_\_\_

\_\_\_\_\_

Special Deputy

William K. Sargent, County Counsel

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

June 12, 2023

RE: Public Comments on Proposed Short Term Rental Permit Ordinance #84, Amendment #2,  
DRAFT Dated 5/30/23  
33580 Madrona St, Pacific City, TL# 4S1124AD1300

Dear Ms. Absher,

Please accept this letter as public comments on the draft Tillamook County Short Term Rental (STR) Permit Ordinance #84, Amendment #2 dated 5/30/23.

As reference, we would like to bring attention to our letter dated 2/25/23 concerning a previous draft version of the ordinance that we submitted for inclusion into the written record, as many comments in that letter also pertain to the current draft, Amendment #2. Per the previous letter, we own property at 33580 Madrona St, Pacific City, TL# 4S1124AD1300 and have a valid STR permit on the property.

Concerning the current draft, Amendment #2 we have the following comments and suggestions:

**ISSUE: STR rules should apply ONLY during short-term rental use.**

**QUESTION:** When occupying and residing in our house and property any time during the year when the house is not rented on a short-term basis, do STR rules apply to us? In our case, we currently lease the house on a short-term basis only for about 12 weeks a year during the summer season. In the remainder of the year or at any time during the year that it is not rented are we and our family members required to meet the standards outlined for short term renters? From our reading, it appears the draft ordinance is written so that short term use is regulated even if the dwelling is not being rented. This is problematic and an attempt to implement land use regulations under the guise of a business license supposedly regulating a specific activity (renting a dwelling for less than 30 days). Why should our property rights be infringed during our personal use and we be held to a different standard than another property owner who occupies or resides in their house for issues such as parking, noise, number of bedrooms, number of people in the dwelling, requirement for trash service etc. simply because we have a STR license during the time that we are not exercising the activity the license regulates (renting for 30 days or less)?

**ISSUE:** Amend various sections of the proposed ordinance so the County **IS NOT** enacting land use regulations under the guise of a STR License.

- Per section 0.020.C: *Purpose and Scope: "A short term-rental license is a revocable permission to operate a short-term rental but only as provided in the Ordinance".*

**SUGGESTION:** Amend the ordinance to make it clear that standards for STR's apply only during the licensed activity, i.e. during short-term rental of the property.

**COMMENT:** If STR regulations are applied to properties that hold STR licenses while the property is occupied by the owner for personal use and is not rented, the county is clearly applying land use rules but only to certain properties not uniformly under the guise of a revocable license. In our opinion, under that scenario it is likely property owners will have a takings claim regardless of the County claim it can avoid the takings risk by calling the STR permit a license. A business license such as the proposed STR license can regulate that activity (short-term rental of dwellings), but it cannot regulate land use when the activity (short-term rental of dwellings) is not occurring. STR's as a license with revocable permission cannot apply land use regulations to property owners when they use and reside on their property or lend their property to others for use without receiving rent.

- Section 0.030.Z *Short Term Rental Definition: ""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."*
- Section 0.040 *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."*
- Section 0.120.B *Violations: "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 Licensed issued under this Ordinance."*

**COMMENT:** These sections together stipulate that no property owner can let their family and friends etc. use their house for 30 or fewer days even if no money or other valuable consideration is exchanged unless they have a STR license. A revocable license can regulate the activity but cannot regulate use of the land when the licensed activity is not occurring. In the case of STR's the activity is dwelling rental for 30 days or less. Of course, a property owner has the right to let family and friends use their house for as short or long as they wish without the requirement of obtaining a STR and they are not restricted to the

requirements contained within a STR license so long as they do not receive rent. The County has stated that STR use will be a business license, not a land use action or rules. If that is the case then changes to the draft ordinance are necessary because otherwise the County is clearly restricting property rights and enacting land use rules under the guise of a STR License.

**SUGGESTION:**

Amend Section 0.030.Z Short Term Rental Definition to read: *“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 to lease or rent a dwelling unit for a period of 30 or fewer nights. Short-Term rental use is a type of “vacation occupancy” as defined in ORS 90.100.”*

AND

Strike the following words from Section 0.040 *“.. or otherwise make available or allow any other person to make available for occupancy or use”*

AND

Amend Section 0.110.B to read: *“Representing, advertising, leasing, renting or receiving money for occupancy of a dwelling unit as a short-term rental where the owner does not hold a valid Short-Term Rental License issued under this Ordinance”*

**ISSUE: The definition of a Bedroom needs to be modified because it isn’t broad enough:**

- Section 0.030 Definitions:

D. *“Bedroom”*: under the definition a bedroom is require to have *“... A built in closet, clothing closet organizer, amorie or similar clothing rack or clothing storage unit.”*

**COMMENT:** This portion of the definition should be eliminated as many STR’s have lofts that are clearly sleeping areas, were originally designed as a sleeping area and they don’t contain a closet. Further, we are talking about short-term occupancy, several days or a week, so it is not necessary for such use to have a closet. Many motels, hotels etc. have beds in rooms that do not meet this definition.

**SUGGESTION:** Eliminate this sentence in the definition of bedroom as it is not necessary and not pertinent. STR rules pertaining to the number of people allowed in the dwelling are sufficient to address concerns.

**ISSUE:** The transfer of an existing STR License to a family member of the original STR Permit holder that preexisted this ordinance SHOULD BE ALLOWED WITHOUT RESTRICTION which we believe is the intent of this draft, however, a modification to the definition of “*Transfer*” is needed to cover all the possibilities of family to same family STR transfers.

COMMENT: Families who own beach property on the Oregon coast typically need some STR income during the year to be able afford the property. The STR income helps pay property taxes and insurance and if enough income is generated, some income can be set aside to pay for maintenance and upkeep such as roof and siding replacement and repairs as coastal dwellings take a beating. This is certainly the case for us. Many folks have the goal to keep their property within the family when they pass. We believe the intent of the draft ordinance is to honor families who previously obtained a STR permit and wish to maintain their property. Many families create “Trusts” or “LLC’s” as generation ownership becomes diluted from the original parent to protect and provide use equity to all family members due to legal issues associated with cotenant ownership. The definition of “*Transfer*” should be broadened to cover transfer of family ownership to a family Trust or family LLC or similar legal entity. We do not otherwise object to the proposed transfer rules.

- Section 0.030.DD “*Transfer*”: “*Transfer*” means a change in ownership of the property where the dwelling licenses as a Short-Term Rental is located that 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.”

COMMENT: The definition of transfer does not go far enough to protect families trying to maintain their property and STR within their family for a family to same family transfer.

SUGGESTION: Amend the second sentence to read: “A change in ownership does not include a change in owners resulting from death, divorce, marriage, inheritance or to an entity in which the STR Licensee is a member.”

**ISSUE:** Caps on the number of STR Licenses make sense in many locations, but not in all locations, especially where the majority of properties have historically been used for short-term occupancy. THERE SHOULD BE SOME NEIGHBORHOODS in the County WITH NO CAPS on STR LICENSES.

- Section 0.040.C Cap on Number of STR Licenses: “... 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”

COMMENT: Thus far in the process the County has not divulged where caps will be applied and what they will be. We assume and hope after adoption of the STR ordinance that there will be a public process the County will go through to establish caps, that property owners will have the opportunity to comment and the decision on location and cap numbers will be made by the Board of Commissioners, not established administratively.

Our neighborhood in Pacific City has historically been a neighborhood of short-term occupancy, not a neighborhood of permanent residents. We have owned our property for 30+ years (since 1992) and during that entire time there have never been more than 3 or 4 houses occupied by permanent residents out of a total of approximately 80 parcels in our immediate neighborhood bounded by the Cape Kiwanda parking lot, ocean, Cape Kiwanda Dr. and Shorepine Village property. Roughly 90 to 95% of the properties in our neighborhood have always been short-term occupancy use throughout the years. Further, of all the places in Tillamook County and in Pacific City, our neighborhood is best suited for full STR occupancy due to the proximity of the ocean, Cape Kiwanda, the Pelican Pub, separation from other neighborhoods by Cape Kiwanda Drive and the ability to walk to most things a visitor may want to utilize in Pacific City. We think that it makes sense to establish a no STR cap area for our neighborhood and we propose extending the no STR cap area south of our neighborhood to the extension of Pacific Avenue from the river bridge to the ocean.

**SUGGESTION:** There should be a public process to develop locations and numbers to cap STR's. The final decision on location and caps should be made by the County Board of Commissioners, not administratively. The County should not limit or cap the number of STR licenses allowed in the area bounded by Cape Kiwanda on the north, Pacific Ocean on the west, the extension of Pacific Avenue from the bridge over the Nestucca River to the ocean on the south and Cape Kiwanda Drive on the east.

**ISSUE: Noise standards in the draft ordinance are subjective, arbitrary and not measurable. The County needs to enact a countywide noise ordinance that applies to all if it wishes to apply noise standards to STR's.**

- Section 0.080.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 0.130."*
- Section 0.100.D.3 Specific Prohibitions: *"Unattended barking dogs"*

**COMMENT:** There are a whole host of issues and problems with the text of section 0.080.F. There is no defined noise standard. What is called out as a noise standard is subjective, arbitrary and not measurable. We understand and agree that unreasonable noise can be an issue, but the same applies to everyone. What is unreasonable to one person may be reasonable to another or the majority of folks. Why are STR's singled out? What about my STR guests? Why should they be subjected to the noise of a neighbor's party and music from a non-STR dwelling with no recourse because the County doesn't have a noise regulations that apply to anyone except STR's. Why should my STR guests be subjected to an unattended barking dog on a non-STR dwelling and we have no recourse because the County only prohibits unattended barking dogs on STR's. The statement that there is a violation if the contact person

fails to respond to a complaint within 30 minutes is ridiculous. What if the complaint is completely bogus? Again, what is unreasonable to one person is not necessarily unreasonable to another and there is no standard in the text for how loud the sound must be to trigger a violation. In America, one is presumed innocent until proven guilty, but this provision assumes that the STR owner is guilty if they are not able to respond within 30 minutes to a non-emergency nuisance which is a standard no County Department is able to meet for a non-emergency in Pacific City. After all, it's a 40-minute drive from county offices in Tillamook to Pacific City where our STR is located. In addition, according to the current wording, a crying baby, a dory boat preparing their boat for dawn launch at a STR, most construction activity on your property etc. could be considered a noise violation by some folks.

**SUGGESTION:**

Amend section 0.080.to read: *"The STR shall adhere to the County Noise Ordinance."*

- Eliminate section 0.100.D.3 Specific Prohibitions: *"Unattended barking dogs"*

The County needs to develop a noise ordinance with objective and measurable standards if it wants to enforce noise at STR's. Noise provisions that are subjective, arbitrary and have non-measurable standards such as the proposed text will be tossed out by Courts. Additionally, Courts will toss out this section on noise unless it also applies to adjacent non STR residences simply because it is blatant discrimination. It is discriminatory to single out a STR licensee for noise regulation when the same standards do not apply to adjacent non STR licensed homes. Similarly, courts won't look kindly on this provision if there is no noise regulation of condos, apartments, motels, hotels, lodges, campgrounds etc.. Tillamook County does not have a legitimate argument that it is unable to develop a countywide noise ordinance and doesn't have the resources or ability to measure noise and enforce standards. The County has speed guns that their law enforcement officials are able operate to measure vehicular speed and determine if there is a traffic violation. A decibel meter is not more complicated to operate to measure noise than a speed gun is for measurement of vehicular speed. Many other Oregon counties and governmental entities have noise ordinances that their officials enforce with the assistance of a decibel meter. Marion County has a reasonable noise ordinance that Tillamook County could use as a guide while developing an ordinance. The Marion County noise ordinance is easily available for download with a click from their website.

**ISSUE: Special building permit and construction requirements SHOULD NOT be required for STR's. STR's SHOULD BE required to obtain and meet whatever building and zoning permits and requirements normally apply to their building type.**

- Section 0.080.I *"No unpermitted improvements or bedrooms": "... Electrical work shall be performed by a State of Oregon licensed electrician."*

**COMMENT:** Why is electrical work in STR's singled out for requiring a licensed contractor? Why not structural or plumbing etc.? Are you aware how difficult it is to get an electrician to do any work in Tillamook County? There aren't enough electricians working in the County and construction is their focus



not small minor work at a STR. This requirement is a big burden. Besides, why are STR's being singled out to meet standards for permits and work if those standards are not required by the permit covering the work?

SUGGESTION: Strike the sentence requiring that electrical work be performed by a licensed electrician from section 0.080.I. Doing so will not change the requirement that STR's obtain building, electrical, plumbing permits etc. and meet the requirements of those permits which are in place to insure safety concerns.

**ISSUE:** The required minimum response time by the contact person should be reasonable and realistic. 30 minutes per the draft IS NOT REALISTIC NOR REASONABLE. A STR complaint IS NOT an emergency and shouldn't be treated as such. A STR complaint is a nuisance issue.

- Section 0.080.J *Contact Information:* “.. 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.” AND “.. 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 complaint, or failure to arrive at the property within 30 minutes of being summoned shall be a violation of this Ordinance.”

COMMENT: An STR complaint isn't an emergency by anyone's definition. At worst, an STR violation is a nuisance issue. It is our experience that no Tillamook County Department including the Sheriff is able to respond to non-emergency complaints within 30 minutes, so why are STR owners being singled out to do something the County itself isn't able to do? The response required by the contact person should be the same that is expected by a County official for a nuisance complaint. Since the County is not willing or able to provide a time period for their resolution of nuisance complaints, we don't believe it is fair or appropriate to apply a different standard to the STR contact. There isn't perfect, complete or always reliable cell coverage throughout the county and people have the right to live their lives without sitting in cell coverage on the remote chance there will be a complaint. The County's complaint records of past STR issues show that the proposed 30 minute response requirement is unreasonable.

SUGGESTION: Amend the first sentence to read: “ The contact person will respond to the complaint within a reasonable time period and attempt to resolve the complaint as soon as possible with a goal of resolution within 24 hours.” Strike the last sentence completely as it is unnecessary, repetitive and unreasonable.

**ISSUE:** It is unreasonable to require STR's upgrade their building at each STR inspection and meet the current International Building Code (IBC) requirements in place at that time since those requirements change over time. STR's SHOULD MEET the IBC requirements in place when building permits are obtained for the structure but SHOULD NOT BE REQUIRED to constantly upgrade their buildings in order to meet the latest IBC requirement in place at STR inspection.

- Section 0.090.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 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."

COMMENT: We think the intent here is for dwellings to meet building codes which is appropriate, however, no property owner is required to continually meet International Building Codes which change over time including motels, hotels, restaurants, stores, schools, hospitals, government buildings etc. let alone single or multi-family residences that house STR's so why is this a requirement of STR's? It is appropriate to require building, electrical, plumbing, mechanical etc. permits and the dwelling will conform to the IBC and other appropriate codes in place at that time.

SUGGESTION: Amend this section to read: "A Short-Term Rental license shall not be issued until the dwelling passes inspection by the County Building Inspector certifying that the dwelling meets the requirements of the STR Ordinance and obtained required County building permits, inspections and met standards in force at the time the dwelling was constructed."

**ISSUE:** The time limit for filing an appeal SHOULD BE REASONABLE and 14 days IS NOT reasonable. Property owners should be given AT LEAST 45 DAYS to file an appeal to a STR complaint. A STR complaint IS NOT an emergency and shouldn't be treated as such.

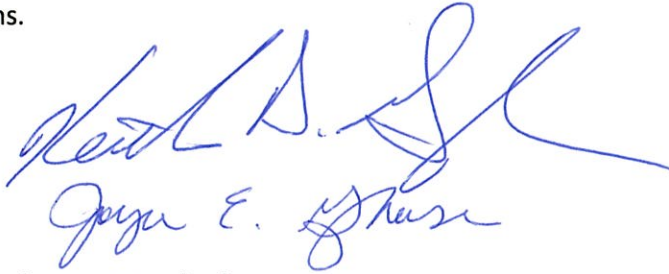
- Section 0.140.C *Time for Filing:* "A property owner or authorized agent shall file a written notice of appeal, including a written description of the legal basis for the appeal, no later than 14 calendar days after the license application, license renewal or other determination being appealed was issued. This requirement is jurisdictional and late filings shall not be accepted."

COMMENT: 14 days to file an appeal is unreasonable. Tenants who refuse to pay rent and squat on your property have more rights and time to respond to the complaint during eviction. Why are STR licensees who provide a huge economic benefit to the County not given the same respect and rights? A property owner appealing a decision has the right to legal council and the right to develop a legal basis in a reasonable time frame. Its impossible to obtain legal council and file a legal basis within 14 days.

SUGGESTION: Amend this section to read: "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 45 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."

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

Regards,

Handwritten signatures in blue ink. The top signature is "Keith D. Garlinghouse" and the bottom signature is "Joyce E. Garlinghouse".

Keith D. and Joyce E. Garlinghouse

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

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

1. The first part of the document discusses the importance of maintaining accurate records of all transactions.

I am Dianne Bloom and I am a full time resident in Neahkahnie for the past 12 years. I am a past 10 year member of the Nehalem Bay Health Center and Pharmacy Board and an active member of the Emergency Volunteer Corp of Neahalem Bay. For the past 11 years, I was the Administrator for the Nehalem Bay Medial Reserve Corp, the medical branch of EVCNB. Our job is to provide emergency planning and medical care for our community in the event of a disaster such as a Tsunami, severe storms or other unanticipated needs. We ran or Staffed Covid Vaccination Clinics for Tillamook County Community Health for well over a year. Our Volunteers came from full and part time community members, not renters.

I applaud the county with addressing Short term rentals. Too many short term rentals are limiting the number of homes available to full time and part time home owners who are willing to invest in our community preparedness. Our volunteers that support our community come from the community, not from vacationers. The workers for our restaurants and stores need homes to rent and buy, our firefighters, policemen and city workers can't afford to live here, because available rental housing is taken up by vacation rentals.

David Boon, in his letter to the STR Committee and the Commissioners dated 5/31/2023, outlined the data in hard cold facts on how short term rentals have adversely affected our Neahkahnie community. With out the limitations listed in Ordinance 84, the quality of life in our community will be greatly affected. I encourage you to accept Ordinance 84, at least it's a start at improving the livability of our community.

Respectfully submitted,

Dianne R Bloom BSN, MSN, CNM  
37430 3Rd St  
Neahkahnie Beach  
Nehalem OR 98131  
503-801-4080

## STR Statement

STR's are simply an insidious/indirect TAX impose by the most powerful yet greedy lobby in the state - TOURISM. Rather than having the tourism industry pay their fair share of the ware and tear that tourism causes our communities, we have to tithe back to the tourism 70% of the TLT so that they can attract more tourist to grind down our deteriorating infrastructure that now has to be repaired by local citizens out of their local tax dollars.

To feed this averist the Tourism Lobby insists that it has a right to encourage individual private economic enterprise in my private neighborhood with all the economic advantages going to them and we are left to deal with the negative consequences of over crowding, litter, noise, property destruction but worst of all the accelerated depletion of our Natural Resources such as fresh water and worker housing.

It is time to rescind the TLT and focus on actual community development and enterprise requiring real skills that will be of substantial benefit to future generations rather that condemning them to a future of minimum wage tourist jobs.

John M Bloom  
37430 3 St  
Nehalem, OR 97131