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**Fwd: STR parking issue in Bayshore**

1 message

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**Casey Miller** <clmiller@co.lincoln.or.us>  
To: BOC <BOC@co.lincoln.or.us>

Public Commet

Begin forwarded message:

**From:** Janice McElhannon <rsbg.1993@gmail.com>  
**Date:** March 15, 2021 at 3:35:27 PM PDT  
**To:** kjacobson@co.lincoln.or.us, dhunt@co.lincoln.or.us, Claire Hall <cehall@co.lincoln.or.us>  
**Subject:** STR parking issue in Bayshore

Dear Commissioners,  
I am sending pictures I took here just the other evening at about 6:30 to show you some of the problems we have here in our HOA neighborhood, and it isn't even tourist season yet. As

Thank you,  
Janice McElhannon  
Bayshore HOA member and full time resident





















# Public Input

Row 3

<b>Name</b>	Bernadette Williams
<b>Email</b>	bwnj2or@peak.org
<b>Form Date Field</b>	03/17/21
<b>Topic</b>	Non-Agenda Item
<b>Comments</b>	<p>As a permanent resident in Bayshore (unincorporated Lincoln County), I have had to deal with the nuisances caused by short term rentals, including the one next door to my home (hot tub cover slamming nuisance not being resolved by Vacasa or owner). STRs in Division 7 in Bayshore development make up approximately 19-20% of the homes. This is excessive. I believe there are unlicensed homes also being used as short term rental properties. I agree with other residents of Bayshore regarding the following recommendations for the codes under consideration: 1. Put a 4%, no more, cap on vacation rentals in each specific zone, there are a lot more in Bayshore versus other areas. 2. Have a plan for reduction of the number of licenses. One license per family, lottery, keep the oldest and the rest lose their license at the end of 2021. We need to get the numbers down soon as we are losing good people to the area. 3. Have a 30 day minimum rental requirement. 4. Make it illegal for rental companies to advertise unlicensed and untaxed rentals. They did this in Hawaii. Require addresses, permit numbers and tax ID on ads. This makes enforcement easier. 5. Permanent residents only can host rentals. San Francisco has made this a requirement and short term rentals have dropped dramatically. 6. Allow a maximum of two people per bedroom, a bedroom being separate from living quarters and it must have a closet. These are ideas that other areas have used and have helped. We need relief sooner than later. thank you for your consideration. Bernadette Williams</p>
<b>Meeting Date</b>	03/22/21
<b>Subject</b>	Feedback on STR code changes- consideration of permanent residents

# Public Input

Row 2

<b>Name</b>	Bernadette Williams
<b>Email</b>	bwnj2or@peak.org
<b>Form Date Field</b>	03/19/21
<b>Topic</b>	Non-Agenda Item
<b>Comments</b>	<p>Another request for code changes for STRs in unincorporated Lincoln County. It may seem like a request for change that doesn't have much impact, but believe me, when you live next door to a rental unit with a spa/hot tub that is only 5 feet away from your property, it is a problem that reduces the enjoyment of our residence- they create a lot of nuisance noise and other issues. These regulations would help reduce complaints to the STR managers (that do little to resolve them in my experience). 1. Since STRs are rented to the public, shouldn't their hot tubs/spas be regulated the same way as other hotel (public) spas are? Require licensing and inspection? It should not be considered a private unit. 2. Can Lincoln county require that there is a minimum setback (e.g. 20 ft) from property lines to accommodate a spa/hot tub, and require them to be enclosed on 3 sides ? or entirely? this will reduce disturbances from its use. 3. Can Lincoln county require an automatic, self opening/closing mechanism be installed that locks the cover (for safety) as well as reduces the significant noise disturbances from these covers? thank you for your consideration, Bernadette Williams</p>
<b>Meeting Date</b>	03/22/21
<b>Subject</b>	Request for STR code changes regarding hot tubs/spas

# Public Input

Row 1

<b>Name</b>	Monica Kirk
<b>Email</b>	monicakirk@mac.com
<b>Form Date Field</b>	03/19/21
<b>Topic</b>	Agenda Item

**Comments** Attached is the Position Paper of the Oregon Restaurant and Lodging Association, a Trade Association for the Industry on "Illegal Hotels." I quote some highlights: "In some instances, [in Oregon] commercial operators or investors are buying rental properties with no intention of living there but solely for the purpose of renting them out to short-term visitors, just like a hotel. This unregulated commercial activity often compromises consumer safety, impacts affordable housing supply across Oregon and endangers the character and security of residential neighborhoods." "Illegal Hotels are Adversely Impacting the Fabric of Neighborhoods and Reducing Affordable Housing Stock throughout Oregon's Communities." "We continue to support the rights of property owners to OCCASIONALLY rent their homes to earn extra income, following all local, state and federal rules and regulations."(Emphasis added.) "Unregulated Hotels operating in Residential or Mixed-Use Zones are Disruptive to Communities and pose Serious Safety Concerns for Guests, Communities, and Neighborhoods." "In addition, neighbors in many cases have no way of knowing who is listing the properties in their area, much less renting them, and can face chronic problems like excessive noise, unruly behavior, and a revolving door of strangers next door. By flouting zoning laws, unregulated businesses are disrupting communities across Oregon and reducing the supply of homes available to workers. Unregulated commercial activity in residential and mixed-use zones is having a direct impact on rent rates across Oregon and is making it harder for working families to stay in their homes."

I agree with ORLA, but ORLA defines 'illegal' as unlicensed, while I define "illegal" as (unlawfully) licensed in unincorporated Lincoln County's Residential Zones. The licensed STRs are "mini-hotels and licenses should have been granted only to those located in Tourist-Commercial (C-T) Zone in unincorporated Lincoln County. The licensed STRs do not "occasionally" rent their homes. The licensed STRs also fail to comply with public health and safety rules. In Lincoln County, professionals may not be "buying up multi-use housing complexes for the sole purpose of daily rental income," but at least one is purportedly buying up houses and lots in HOAs. Responsible licensed STR owners and Property Managers can take to heart ORLA's concerns and :

1. Agree to limit rentals to "occasionally," such as no more than 30-60 nights annually because ORLA only supports the rights of property owners "to occasionally rent their homes to earn extra income ..."
2. Agree to (1) endorse an Annual ESER for septic systems and (2) limit the number of renters to two per bedroom, a maximum of four. An ESER costs about \$400 plus the per gal charge pumping a tank if needed. According to the 2020 Census, the average number of occupants in Lincoln County's homes is 2.5, not 8, which is the averaged licensed occupancy in

unincorporated Lincoln County's STRs. 3. Agree to educate the renters about Emergency Preparedness at the time of reservation before they leave. Put CERT radios in the units. Please give them the Lincoln County website and advise them to sign up for Quake Alerts. Explain what to do when the power goes out ... especially if they are on septic systems. Put landlines in the STRs where power outages make VoIP phones unreliable or where cell phones simply won't work. 4. Agree to phase-out STRs from neighborhoods so stop the "revolving door of strangers next door. Yes, by all means, crackdown on the unlicensed STRs. Demand restitution: Fine them \$10,000 for unlicensed operation and demand payment of the TRT. Alternatively, they could surrender their STR license(s) and agree never to operate in Lincoln County again.

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<b>Meeting Date</b>	03/29/21
<b>Subject</b>	STR Code Amendment

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## **Hotel industry sounds alarm about Airbnb**

Steve Law

March 09 2017

### **Report shows growth of short-term rental company in competing with commercial lodging industry**

[https://pamplinmedia.com/pt/9-news/349298-228704-hotel-industry-sounds-alarm-about-airbnb?wallit\\_nosession=1](https://pamplinmedia.com/pt/9-news/349298-228704-hotel-industry-sounds-alarm-about-airbnb?wallit_nosession=1)

The hotel industry is starting to fight back against growing competition from Airbnb.

A national hotel trade group released a report last week documenting the dramatic growth of Airbnb operations, with data from 13 of Airbnb's top markets, including Portland. The data showed a substantial increase in Airbnb hosts operating multiple units and renting out entire houses.

The study found there were 5,635 Airbnb hosts operating in the Portland market, renting out 7,798 total units.

The data shows Airbnb and similar companies are not competing on a "level playing field," with the hotel industry, said Greg Astley, government affairs director of the Oregon Restaurant and Lodging Association. Airbnb and other short-term rental companies are only lightly regulated in Portland, he said, and "they're not following the laws and regulations that are in place."

Laura Rillos, Airbnb press secretary for Portland, said the data in the study was misleading. "The vast majority of our Portland hosts are regular people sharing the homes in which they live to make ends meet," she said.

The study, by CBRE Hotels' Americas Research, culled data from research firm Airdna. It found that hosts operating multiple units account for nearly 40 percent of Airbnb's national revenues. Those are the operations the hotel industry is most concerned about, because some hosts are operating small-scale lodging companies using multiple homes, buying up properties to use as Airbnb rentals.

"Once upon a time Airbnb might have simply been a home-sharing company, but this analysis shows that's just a fairy tale now," said Katherine Lugar, chief executive of the American Hotel & Lodging Association, in a prepared statement.

Total revenues from Airbnb rentals in Portland grew 97 percent in the 2016 fiscal year, according to the report. The number of multi-unit hosts here grew more than 80 percent in the last fiscal year.

Rillos says those numbers are exaggerated.

"As the (American Hotel & Lodging Association) already knows, many of their member inns, motels and hotels list rooms on our platform, so these are included in the very data on 'commercial' listings the big hotels seem so concerned about," she said. "Additionally, this report does not reflect listings removed from our platform after we instituted our One Host,

One Home policy in the City of Portland, which limits users to advertising listings at a single address."

Hotels and other commercial lodging operators are free to list their vacant units on Airbnb or any other place they want, noted Mike Liefeld, enforcement program manager for the city Bureau of Development Services. However, those hotels are operating under commercial licenses and city zoning requirements, quite different from the more lenient conditions imposed on hosts renting out space in neighborhood homes, condos and apartments.

The city ordinance allows hosts to "hire out" managers of their Airbnb operations, so long as the hosts still are the primary residents of their homes. So it's permissible for entrepreneurs to list multiple homes, Liefeld said.

However, if the primary resident isn't living in the homes at least 270 days a year, that's a violation of the city ordinance.

### **Most hosts out of compliance**

More than two years after the city legalized short-term rentals, it has issued only 792 permits, Liefeld said. That means probably less than one in four have been inspected and obtained licenses as required by the ordinance, despite a city requirement that Airbnb and other companies refuse to list homes that don't have permit numbers.

Astley applauded Airbnb for its new initiative to prevent hosts from advertising multiple homes in Portland. However, he wonders how well it will be enforced. "They don't have a really good track record of doing what they say they're going to do," he said.

The growing phenomena of Airbnb hosts renting out entire homes is also a concern to the hotel industry, because it essentially turns homes into vacation rentals.

The study found that more than 3,300 people — 60 percent of local hosts — were renting out their entire properties in the Portland market, supplying nearly 77 percent of Airbnb's revenue here.

Hosts in Portland are permitted to rent out their entire homes if the residents live there at least 270 days a year, Liefeld noted. So a teacher could convert their home into a de facto vacation rental while traveling during the summer.

However, the city ordinance limits hosts to renting out no more than two bedrooms under the standard permit, to minimize impacts on neighborhoods. Many Airbnb and other hosts are still advertising they have seven bedrooms or space for 16 guests, Liefeld said.

Such operations would need to get a different permit, which is akin to the more commercial permits that standard bed-and-breakfast operators get. Fewer than 20 such permits have been issued in Portland, Liefeld said.

### **Impact on housing supply**

The growing practice of renting out entire homes also raises concerns about reducing the local housing supply and driving up rents. Even setting aside a single spare bedroom for Airbnb

rentals could remove what otherwise might be an affordable long-term rental unit from the market.

"This report confirms a devastating national trend that is exacerbating the affordable housing crisis in cities across the country," said Peter Cohen, co-director of the Council of Community Housing Organizations, in a statement accompanying release of the national report.

Rillos said there are 2,976 entire-home Airbnb listings in the city of Portland. Airbnb notes that's only 1.1 percent of the city's housing units, as if to buttress its contention that its operations have a negligible affect on the overall housing market.

Astley disagrees, saying that results in nearly 3,000 homes taken out of the rental supply. "We're concerned about housing affordability and availability as well," he said, because those lost units makes it harder for restaurant and lodging workers to find homes near their jobs.

#### Fines going up

Starting March 31, the Bureau of Development Services will commence a tougher enforcement approach to short-term rental hosts who are flouting city rules. Fines will start at \$1,000 for those who failed to get city inspections and permits.



## Position Statement - Reining in “Illegal Hotels”

### Background

Across the State of Oregon, there is growing concern that some Home Sharing Platforms, such as Airbnb, HomeAway and Flipkey, are enabling the proliferation of “illegal hotels,” where commercial operators list multiple units in the same region of the state or list units for extended periods of time without consideration for both local and state law. In some instances, commercial operators or investors are buying rental properties with no intention of living there but solely for the purpose of renting them out to short-term visitors, just like a hotel. This unregulated commercial activity often compromises consumer safety, impacts affordable housing supply across Oregon and endangers the character and security of residential neighborhoods.

### Illegal Hotels are Adversely Impacting the Fabric of Neighborhoods and Reducing Affordable Housing Stock throughout Oregon’s Communities

Commercial activity in homes meant for working families is running amok across the state. Advancements in technology have launched a new industry which operates outside the intent and purpose of carefully crafted zoning and land use laws in local economies across Oregon. ORLA is aware of occupations whereby professionals are buying up multi-use housing complexes for the sole purpose of daily rental income. The untamed and ‘enforcement light’ approach to short-term rental regulation is creating a free for all amongst ambitious entrepreneurs who are thriving on skirting rules and regulations in place which lack strong enforcement protocols. In summary, the use of homes in residential areas as de-facto hotels is inconsistent with the intent of residential zoning and Oregon’s land use planning system.

### ORLA Welcomes Competition on a Level and Legal Playing Field

ORLA’s active membership includes several vacation rental companies overseeing short-term rentals in vacation destinations across our state. For decades, vacation rental dwellings have served as a part of the fabric of local communities. These companies are examples of welcome competition and are ensuring their clients are paying all applicable transient lodging taxes while safely accommodating guests and following all local government ordinances. In addition, ORLA supports the following important principles:

- We continue to support the rights of property owners to occasionally rent their homes to earn extra income, following all local, state and federal rules and regulations.
- Competition thrives when everyone plays by the same set of rules.

However, we have seen a proliferation of unregulated commercial operators running multi-unit, full-time lodging businesses in partnership with Home Sharing Platforms like Airbnb, with a significant portion of rental revenue driven by this type of commercial activity. Technological advances have resulted in a matchmaking of underground commercial activity in residential and multiuse neighborhoods with interested travelers. These commercial operators gain an unfair and significant competitive advantage by running these multi-unit, full-time lodging businesses without oversight. Of particular concern is the non-compliance with public health and safety rules, which are in place to keep Oregon residents and visitors safe from harm.

## Unregulated Hotels Operating in Residential or Mixed-Use Zones are Disruptive to Communities and Pose Serious Safety Concerns for Guests, Communities, and Neighborhoods

Guests staying in unregulated short-term rentals have no way of verifying whether these properties are compliant with basic health and safety standards, like smoke and monoxide detectors, fire escapes and wheelchair ramps. In addition, neighbors in many cases have no way of knowing who is listing the properties in their area, much less renting them, and can face chronic problems like excessive noise, unruly behavior, and a revolving door of strangers next door. By flouting zoning laws, unregulated businesses are disrupting communities across Oregon and reducing the supply of homes available to workers. Unregulated commercial activity in residential and mixed-use zones is having a direct impact on rent rates across Oregon and is making it harder for working families to stay in their homes.

## State and Local Governments Should Double Down on Their Efforts to Protect Their Communities by Closing Illegal Hotel Loopholes

Home Sharing Platforms like Airbnb need to assist local and state government in cracking down on illegal hotels facilitated by their online platforms. The following simple steps should be taken in Oregon to rein in illegal hotels:

- Prevent properties prohibited from operating in a community from posting on short-term rental websites.
- Provide full transparency to state and local authorities (like all other lodging properties) including host contact and address information as well as which hosts have multiple or full-time units for rent.

The State of Oregon and all local governments should:

- Develop a comprehensive plan to ensure the proliferation of online booking technology does not result in undue livability burdens in Oregon communities including reductions in housing supply for local workforce needs.
- Partner with technology companies who specialize in Home Sharing Platform rental transparency. Local governments in Oregon are now partnering with technology companies like STR Helper and Host Compliance to assist them in managing the process for identifying short-term hosts within their jurisdiction.
- Ensure short-term rental hosts register their rental property and obtain a business license and other applicable rental permits.
- Track all transient lodging tax payments to ensure all revenues are paid by short-term rental hosts or Home Sharing Platforms like Airbnb when they collect payments for lodging stays on behalf of their host partners.
- Ensure all local and state zoning laws are being followed.
- Ensure basic health, safety, and cleanliness standards are being met.
- Ensure appropriate levels of liability and other applicable insurance plans are in place to protect homeowners, guests, and communities.

###