

# Public Input

Row 5

<b>Name</b>	Lincoln County Registered Voter Resident
<b>Email</b>	4u2agoodlife@gmail.com
<b>Form Date Field</b>	04/03/21
<b>Topic</b>	Agenda Item
<b>Comments</b>	<p>IT'S THE LAW: Short term rental licensing Sheriff's Tips By Curtis Landers Lincoln County Sheriff Jun 30, 2017 Below is the article from 6/30/2017. Before reading it, let's take a look at real enforcement. Does not exist. Full Time Homeowners are not making this up, it is not false, we live it. Every couple of days, stranger rotation with same problems again. 1) Call the Property Management Companies??? - Meredith has falsely accused a Full Time Homeowner to the point, the homeowner has contacted their Attorney. 2) STR Business License owners have publicly slandered Full Time Homeowners for submitting a compliant 3) STR Business License owners have publicly harassed Full Time Homeowners asking for compliance 4) STR Business License owners and Property Management Companies do not enforce their contract to keep str transient tenants - (H.O.A.) Not allowed per their website: to drive into Bayshore; RVs, Boats, Trailers with dune buggies, over parking - no follow up and no enforcement. Drive through any weekend, go to the south end. 5) H.O.A.s have been unable to enforce for 15 years as one STR owner wrote and published - H.O.A.s don't even enforce their own C&amp;Rs 6) Call the Sheriff, they say the complaint - goes on record to the full time homeowner that called in, not on the address of the str, they are not driving out, here is a number for the civil attorney. -No record -No strike 7) Septic - there are problems with overflow, seeping, smell in Bayshore 8) No enforcement for illegal short-term rentals operating now, trademark with over parking, over flowing trash, noise, and not abiding by the quiet time hours. SOLUTION TO ENFORCEMENT: Owner Occupied Short-Term Rentals instead of a CAP. OR Reduce the number to 1% (per subdivision) or 1000 feet between short term rental business license. - Many ask: If a residential home owner that buys a home and turns it into and Apply for a Business License short-term rental - open the opportunity for other residential home owners to open a daycare, bakery, coffee shop, doggie service, hair or nail business within their home in a Residential Zone Area. Bed &amp; Breakfast business license same guidelines as a str. Enforce the signage to be the same size, readable reflective at night. ARTICLE: IT'S THE LAW: Short term rental licensing Sheriff's Tips By Curtis Landers Lincoln County Sheriff Jun 30, 2017 The Lincoln County Board of Commissioners adopted Ordinances #487 and #490 to establish conditions for the operation of short-term-rental dwelling units in unincorporated Lincoln County and to implement a licensing program to ensure compliance with those standards. The ordinance went into effect on December 1, 2016, with the Lincoln County Sheriff's Office as the designated licensing authority. For individuals or businesses operating dwelling units as short term rentals within the unincorporated areas of Lincoln County, a license is now required to continue operating in this manner. There are a limited number of exceptions applying to hotels, motels, bed &amp; breakfast inns, lodges,</p>

resorts, RV parks or campgrounds. Any dwelling unit rented for any period of time less than 30 consecutive nights, must be licensed, unless it meets the criteria for any of the exceptions. Under the ordinance, property owners are expected to make sure that renters are aware of and abiding by the established quiet time of 10 p.m. - 7 a.m. They also must assure that tenants know the requirements for garbage service and approved parking areas. \* Owners are also tasked with assuring that maximum occupancy is not exceeded. What this means for neighbors of short term rental properties: - You will have access to 24/7 contact information for the owner and/or a local contact person designated for the property. - You will have complaint procedures. Respectfully to the Commissioners, you have a tough job. please represent your Registered Voters of Lincoln County

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**Meeting Date** 04/07/21

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**Subject** Enforcement - STR

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Lincoln County Commissioners,

I am writing to you concerning the possible changes in the STR licensing program within the county as proposed in the Lincoln County Memorandum dated March 29th, 2021. As there are several recommendations and I offer my perspective on the proposals.

#### Recommendation #1 - Occupancy Limits

I would recommend keeping existing homes at grandfathered occupancy. Within the State of Oregon, there is already legal precedence for grandfathered use and applying these changes to existing licenses would expose the county to liability and potential lawsuits.

I have no problem reducing new license capacity to 2 per sleeping area as long as the additional 2 person per occupancy is retained. ie: a 3 bedroom house would allow for 8 people to stay. This is in line with federal and state occupancy limits.

The proposed 2 daytime guests seems unrealistic and for most purposes unenforceable. Under the proposal, a STR renter of a 2 bedroom house (occupancy @4) couldn't have 3 visitors over for lunch or a short visit. Who is going to monitor this? How is this going to be reported and does this mean the sheriff is dispatched and knocks on the door to verify the occupancy of the STR? As some would categorize any gathering over the occupancy limits as a "party with illegal activity impacting their lives" or "hooligans and teens running amok", to restrict to such a degree, monitor, investigate and enforce this restriction seems draconian and unrealistic.

#### Recommendation #2 - Septic Systems

This seems to be appropriate recommendation, but why is this only applied to STRs? If there is a legitimate health or safety concern for these types of wastewater systems, this should be addressed to all septic systems within the county, not just STRs.

In addition, setting a new standard should have a grace period, accounting for potential backlogs with engineering professionals and at the County. Alternatively, the septic standards should take effect one year from enactment to allow owners to contract with septic companies to verify if they are in compliance and make repairs and upgrades if needed.

#### Recommendation #4 - Caps on Licenses

I would highly recommend no cap implementation. As I look back on our home rentals for the past year, which was at a record high, our home was rented 40% of the year (146 days). This means that our home is either vacant or owner occupied for the remaining 60% of the year (219 days). Also some licenses may only be used for a few weeks or months while the owners are on vacation (think AirBnb) or "blue-birding" to warmer climates. Establishing a cap doesn't seem to make sense, will increase the County's overhead and maintenance of STRs, and to what end? From my perspective, it seems that any cap is an administrative expense and a potential legal liability that is unnecessary.

Counsel Belmont stated in his 5/29/19 memo to the Board that no other counties have imposed caps on licenses. There are no examples of traditional tourist destination rural areas enacting caps.

I would also like to remind the commissioners of the Oregon State Law that requires grandfathered and vested rights be protected. State law protects grandfathered uses and transfer of grandfathered uses in unincorporated counties. The commissioners should affirm that any changes to the STR ordinance protect those who have continuing rights to short-term rent their homes, including the right to transfer the license to another.

Sincerely,  
Baxter Shaffer - Oregonian and STR owner

# Public Input

Row 6

<b>Name</b>	Bayshore Homeowner
<b>Email</b>	4u2agoodlife@gmail.com
<b>Form Date Field</b>	04/03/21
<b>Topic</b>	Agenda Item
<b>Comments</b>	<p>COMPLIANCE: LodgingRev collects revenue. How does the Compliance side work? When full compliance cannot be determined, their team is able to access records and databases to identify the property and assign the listing a compliance status. Typically, there are multiple types of possible non-compliance and we (LodgingRev) select the one that best suits each case. The notes and audit logs recorded for each listing mean ANYONE ON OUR TEAM, OR YOUR ADMIN STAFF, CAN AUDIT THAT DECISION-MAKING PROCESS. (copied from LodgingRev site) When you call, the person on the other side will tell you, the sheriff does not receive this information. It goes directly to the STR owner. If you want the information, one would need to put in a request, which may take up to 2 months to receive. Lincoln County has an opportunity to improve with real time results! Improve our communities with real time information, map, statistics, graphs, download the app to our smartphones too. Instead of Caps? With an owner occupancy - lives in the home and operates it as a short-term rental, several things happen. They can afford their home, collect additional rent, reduces trash, noise, lowers parking situations, animal poo, no more party houses, and respect for the property and neighborhood. COMPLIANCE: Check out this awesome service for the Vancouver BC area; <a href="http://www.vancouver.ca">www.vancouver.ca</a>, type in the search bar: short-term rental business license system. "VanConnect" would be priceless for Lincoln County! -Report issues and request services; interactive map, individual may submit, receive, in progress and when it is completed; here is an example of <a href="http://www.vancouver.ca">www.vancouver.ca</a> Short-term rental business license. "VanConnect" would be priceless for Lincoln County! Creates reports and an Interactive map, download the app for your smartphone. Same page area, apply or renew also: Bed &amp; Breakfast, Long-term rentals more than 30 days. Click on: Are our regulations working? And read about their annual highlights report &amp; graphs. Up to date information. Report an issue and "watch it get fixed."(in real time-click the following) -Submitted -Received -In Progress -Completed When to report a short-term rental. -Operating without a license? -Not used as a principal residence? -Not allowed by a landlord or strata? -Unsafe? -Making a nuisance? -Click a button to "Tell us now" Enforcement Actions – Statistics as of current date: Staff have opened x opened case files, x closed case files, and pursued the following enforcement actions against x suspected unauthorized short-term rental units: -Business licenses issued for last year and issued for current year -Licenses flagged for "investigations and audits" - Warning letters written in the current year... -Legal orders issued in the current year... -Listings referred to prosecution in the current year... -Violations tickets issued in the current year... -Units identified for inspection in the current year... -Business licenses suspended in the current year... This site also provided: News, presentations,</p>

reports and Council documents about short-term rentals. Priceless information for Lincoln County. Respectfully, Bayshore Homeowner

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**Meeting Date** 04/07/21

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**Subject** Compliance STR

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## Suggested STR Enforcement Changes

Counsel Belmont has suggested the addition of a Hearings Officer as an added step to assist in resolving concerns and complaints. While this could be a good idea the Sheriff's department has failed to fully implement the software they purchased to document STRs and to provide training to the public on how concerns and complaints should be first documented.

On November 24, 2020 the Sheriff's department stated they are utilizing a new software vender, MUNIREvs. The software was to house all of the STR licensing data and allow Owners to submit, pay fees and receive information electronically. The MUNIREvs software was to also share live data with the public through the following link. <https://lincolncounty.munirevs.com/business-list/?cityid=152> .

In addition a 24/7 compliance hot line, 541-265-0777, (Hosted by Lodging Revs) and a link to submit complaints was set up. <https://lodging.munirevs.com/complaint/?cityid=570> .

The **Business Licensing link** at present does not include important information like the Owners name, license date and expiration date, occupancy number, septic permitted bedrooms and transfer date if transferred during a moratorium. This was previously available to the public in an Excel spreadsheet. When recently contacting Lisa Combs she said she wasn't sure if this data would be included in the link and said that an individual Owner record request could be made at a cost.

The **Concern link** program is a new tool that needs instructions. Its use is suggested only when the caller's Concerns remain unresolved. How then is this tool to track all concerns as they relate to "Strikes"? Where is the feedback and how is the public or Sheriff's office able to track calls made regarding violations, resolved or not? The lack of visibility of "Repeat offenders" is one of the problems with the current tool. If an issue is resolved over and over again by the Owner or Manager it never counts as a strike, because there is no tracking.

### Suggestions:

1. Include the Business information for Owners name, license date and expiration date, occupancy number, septic permitted bedrooms and transfer date if transferred during a moratorium; make it available through the MUNIREvs link. This information was previously available to the public.
2. For **all** nonemergency Concerns utilize the 24/7 hot line and or the link to submit an issue.
3. Post the 24/7 hotline number and Concern Link outside of all STRs, similar to what is done in Newport. The owner or management company **should not** be called first because there is no tracking of issues, resolutions or of multiple calls for the same issue. Nuisance complaints would also be tracked.
4. Provide a summary report to the BOC each month to keep the Commissioners informed regarding current and or recurring Concerns.
5. Make the LODGING Revs Property Incident violation information available even if only in a summary format.
6. The above information gathering and tracking should be included in the County's Master Subscription Service Agreement executed on May 13, 2020. If not, please add that functionality addressing any additional costs in the licensing fees.
7. Now all parties, including the Hearings Officer, would have the same information about specific Concerns before the need for a hearing or the issuance of a strike.

# Public Input

Row 1

<b>Name</b>	Debbe Chadwck
<b>Email</b>	missdebbe1@yahoo.com
<b>Form Date Field</b>	04/05/21
<b>Topic</b>	Agenda Item
<b>Comments</b>	<p>Hello and thank you for letting me get my voice again in the conversation. I am an STR Owner in the Bayshore area. I will address each subject: OCCUPANCY: Your recommendation to cap 2 per sleeping room seems discriminate to me. I have a limited # of occupancy per my Lincoln County Permit and that takes into consideration home size etc. ~~those are my bearings, and I stick to that and follow it. Why would Non-STR owners not have to follow then the same cap? Also, please think through the question of how you are going to know when I am having family and friends over at the house and when I have paying guests at the house. Are you suggesting that I have to limit my personal family and friends to 2 per sleeping area? Then I would argue all owners would need to follow the same rule. What is the thinking here? I randomly have a guest, or I have a friend/family. How do you know who is visiting? I have a question on how you deliniate that it is solely STR guests that are perhaps breaking rules? Do you know if it is family or friends or Guests? If I don't do an STR, I will need to turn it into a long term rental where the renter is there all the time and the neighbors just don't like the renter I choose because of their lifesyle or car they drive? They can then complain about long term renters and have those banned as well? It's a murky road.... and I have seen no proof yet in my neighborhood or can I even tell who is family, resident or renter. SEPTIC: This seems obvious to me. If you require it of STR's then you must require it of all owners and is there Septic Capacity in Lincoln then to handle that demand? I get my septic serviced at a minimum every two years and if I have rented heavy I will do each year. I have an inspection and a clean out. Just because I am an STR owner does not make me irresponsible. 3 STRIKES: Again, how do you tell if it is a guest or family? If there are complaints made against a Non-STR owner, how are those handled? If an STR has a neighbor that is hell bent on complaining, they are going to complain again and again and stalk as they do and take pictures as they do. I think they should be punished commesurately if they are making false claims. If an STR looses a license for voilations, what does the faulty complainer receive as a violatoar? I believe that STR's take great care/pride in their homes to make them appealing to the neighborhood as well as the guests. I pay my housecleaner a very solid living wage to manage and make sure my home is up to standards. I don't make money on this home as is being pushed by those that don't know; property tax, flood insurance, liability insurance, upkeep, mortgages, supplies etc. etc. mean that I have enough to get through the slow season and keep people working. I don't see that on some non STR homes in the area that are in some disrepair. Also I have heard about parking issues along Oceania in Bayshore in Spring/Summer during certain times. If you close out STR's in Bayshore the people that would typically be staying at the homes along the beach would then just drive back into bayshore</p>

from wherever they are staying and park in the street to get to the beach which will only make the situation worse. At least STR's have parking in both garage and driveways. I make sure any family, friends or guests know they absolutely cannot park in the street. Finally, I purchased the rental in Bayshore as a Vacation Rental because I feel good providing that home to people for their enjoyment! I love doing it! They love the home and the area. I am a good steward of the land, the neighborhood and the county in what my home is providing. I am contributing to the community in a positive way and I hope you can find ways to common ground so that vacationers can not go south or north but come to Central Oregon to learn and enjoy our beautiful communities. Blaming STR's not the answe Again, thank you for hearing my voice. Debbe Chadwick

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**Meeting Date** 04/07/21

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**Subject** STR Recommendations Coimments

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boc BOC &lt;boc@co.lincoln.or.us&gt;

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**Fwd: STVR**

1 message

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

Wed, Mar 31, 2021 at 2:17 PM

-----orwarded message -----

**From:** Douglas Hunt <dhunt@co.lincoln.or.us>  
**Date:** Wed, Mar 31, 2021 at 9:45 AM  
**Subject:** Fwd: STVR  
**To:** Casey Miller <clmiller@co.lincoln.or.us>

Public Comment

Begin forwarded message:

**From:** dennis engeldorf <drengeldorf@yahoo.com>  
**Date:** March 31, 2021 at 9:22:18 AM PDT  
**To:** chall@co.lincoln.or.us, dhunt@co.lincoln.or.us, kjacobson@co.lincoln.or.us  
**Subject:** STVR

I was waiting excitedly for the BOC meeting and Mr. Belmont's talk about STVR's, I was let down and disheartened afterwards. It just felt like a lack of research and ideas after all this time. Here are my thoughts.

1. Reduce Occupancy, great idea but totally unenforceable. Who is going to go in and count the number of people in the house? Can it even be done legally?

2. Septic inspections, great, it's long overdue.

3. Enforcement. You can't even enforce the unlicensed rentals to shut down now, how will enforcement happen? There's never been a fine assessed in Lincoln County that I am aware of, or anyone losing a license.

Side note: we have 626 homes in Bayshore, 103 licensed rentals and approximately 50 unlicensed. Everyone knows who the unlicensed ones are and the Sheriff has been called for many. Sometimes the people are out when he shows up, sometimes they tell him they are family or friends. But when the homes are filled every week by different out of state vehicles, you get suspicious.

4. Caps are needed, I vote for 4% or less. Some districts in Bayshore are at 20%.

The big question is how to cut numbers and do it fast? Let's create some monthly rentals for locals who desperately need housing, we can do this by getting to that 4%.

There are other ideas out there, the primary residence requirement is one.

I have personally called on 110 of my neighbors to talk to them and most are afraid the STVR's are going to take over Bayshore. The STVR owners are trying to get elected to our HOA board. We're not sure what this will mean.

As to frivolous calls to the sheriff, I do not know any of my neighbor or friends that would do this, most are too busy and wouldn't bother unless there was a reason to call. We are being threatened with lawsuits by STVR owners for wanting to enforce our HOA rules and for trying to keep our neighborhoods safe and congenial. Our quality of life is being threatened. Please protect us.

Reba Lovelady

4/5/2021

Co.lincoln.or.us Mail - Fwd: STVR

Bayshore

Sent from my iPad

# Public Input

Row 15

<b>Name</b>	Doug Magnuson
<b>Email</b>	dkmagnuson@gmail.com
<b>Form Date Field</b>	03/31/21
<b>Topic</b>	Agenda Item
<b>Comments</b>	<p>I am an owner in the Sandpiper, and rent our home via STR when we are not able to be there (our job has us working with a semester abroad program, overseas). I have read through your proposals about changes to STR licensing, and have two main comments: (1) I do NOT SUPPORT limiting STRs to 2 persons per bedroom. I could support 2 persons per bedroom, plus 2. That would be a compromise. I think limiting to 2 per bedroom will significantly (negatively) impact STR income and community benefit from tourists. Do you know what the average is, for Lincoln county, for comparison? Our home is 3 bedroom, but set up with beds to sleep 8 (one bedroom is a 4-person room, with two bunkbeds, designed to facilitate having children). I think that limiting us to 8 total (2 per bedroom, plus 2) is reasonable. Limiting to only 6 total will be a hardship for us. (2) Of your licensing options, I support option 1, no caps. Beyond that, I would support a plan that looked at each subarea separately - not just by an arbitrary measure such as % of homes as STRs, but with a more nuanced look. For example, in the Sandpiper area, I don't know what % are rented as STRs, but I do know that we are not a "residential" neighborhood in the classic sense of having a high percentage of owners living in the neighborhood. If only 10 or 20 or 30 % of owners actually live in a neighborhood, it seems reasonable to allow a higher % of STR licenses (compared, for example, with a truly residential neighborhood, in which 70 or 80% of owners actually live in the neighborhood). Does that make sense? Thanks for your work on this. I have to say, given all the feedback I've seen from owners and advocates of STRs, that it feels like you are leaning on the side of restrictions based on the owners who are anti-STR. In other words, I think you are going further than necessary, in your adding restrictions. Respectfully submitted, Doug Magnuson</p>
<b>Meeting Date</b>	04/07/21
<b>Subject</b>	Short Term Rentals



boc BOC &lt;boc@co.lincoln.or.us&gt;

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**Fwd: STR in unincorporated areas of Lincoln County**

1 message

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

Mon, Mar 29, 2021 at 4:15 PM

I didn't see folks copied with this STR email. Please add it to our compilation.

Wayne

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

From: **Eileen Regan** <emdregan@onlinenw.com>  
Date: Mon, Mar 29, 2021 at 12:20 PM  
Subject: STR in unincorporated areas of Lincoln County  
To: <wbelmont@co.lincoln.or.us>

Good Morning Wayne,

My husband and I have been following the STR issues because we have had a home in Bella Beach for nine years. When we purchased this home it was with intent to retire here and now we are both retired we have grave doubts and with sadness are talking of selling. We have been coming to Lincoln County for 35 years with our family, camping at Devils Lake, renting many times at hotels, condos and yes STRs always had positive experiences.

The first 5-6 years we owned at Bella Beach there were very few incidences with the renters in the neighborhood that caught our attention because the management companies were great at handling any problems. There has been a dramatic change in the last few years, so many renters that have complete disregard for designated parking, we've been blocked into our home and renters are at the beach all day. Dogs wandering and off leash. We have had big dogs come right up onto our porch where the owners had no care that our dog almost went through the screen door to protect me. The number of guests per house is way over limits, a small area like Bella Beach can't safely handle the numbers.

The final incident was a sorority and fraternity in two houses that completely dominated the street, the parking, cumulating in drums and chants and whooping at midnight. This is the only time we have contacted the non emergency number for the county and when talking to the deputy he said "what did you expect you bought in a rental community?" I told him I expected there to be some accountability when people don't follow the rules. These renters would have been thrown out at a hotel with personnel on sight, which is why the problems escalate here because its known you can rent a house in Bella Beach, bring in many people over limit to share costs and party late with no one to enforce the rules.

**I give this background to emphasize I believe limiting the density of STRs within specific areas to be the number one priority.** There is no apparent way to hold homeowners accountable for infractions to the rules, there are just too many on a daily basis. So many homeowners are from out of state, leaving the daily problems to rental companies. There are some who are responsive to complaints but the one in Bella Beach hasn't shown any willingness to help with the many problems that their renters are causing and in fact has threatened litigation to homeowners who complain as well as the board members.

Please consider carefully whether you want to continue to make Lincoln County a welcome place for people who care and are willing to be part of this wonderful community. There are already so many lodging options throughout the county where visitors can enjoy all that this beautiful coast offers.

Thank you for your time and consideration on this matter.

Eileen Regan

4/5/2021

Co.lincoln.or.us Mail - Fwd: STR in unincorporated areas of Lincoln County



boc BOC &lt;boc@co.lincoln.or.us&gt;

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## ESER has nothing to do with occupancy, STR proposals, Inspection and maintenance is a better option

2 messages

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**Heather Brann** <branns@earthlink.net>

Tue, Mar 30, 2021 at 8:59 AM

To: Wayne Belmont &lt;wbelmont@co.lincoln.or.us&gt;

Cc: boc@co.lincoln.or.us, Kristi Peter &lt;kpeter@co.lincoln.or.us&gt;

Dear Mr. Belmont and County Commissioners:

I had a conversation on 1/28/2021 with Dan Wiltse, Oregon DEQ, who provides technical assistance to Counties on septic systems. I specifically asked him what kind of septic system would be required to support a vacation rental with an occupancy of 16 people (the maximum occupancy allowed to grandfathered properties).

In an extensive conversation, Mr. Wiltse explained that the ESER is the wrong tool for the job. The ESER was never designed as, nor intended to set the maximum number of occupants in a home served by that septic system. Although systems may be designed for a specific number of "bedrooms," the size of the system has never been calibrated to number of occupants, much less to a maximum number of occupants. Instead, ESER was designed to protect unsuspecting buyers from purchasing a home with a failing septic by delineating problems in a system that might require expensive repairs. He questioned the wisdom of attempting to use the ESER to set occupancy in short term rentals, simply because the ESER does not and never has correlated to an occupancy limit. This is particularly true where unlike a long-term rental, there is no exact number of people using the system every day of the year. There could be a high occupancy 3 days of the week, then no occupants for the next 4 days, and only 2 people the following week. ESER might be a fine tool to detect needed repairs, but is not the right tool to set occupancy.

Instead, he indicated that he had suggested to Brian Crawford that a better tool for regulation of septic systems in short-term rentals would be the requirement of an operation and maintenance contract. Regular inspection and early detection of specific system failures would be more appropriate to the variable occupancy inherent in short term rentals.

Mr. Wiltse can be reached at 541-687-7436 if you have further questions for him.

I appreciate the County's efforts to promote "health and safety," but that is not what the ESER does when that standard is applied to occupancy. When septic professionals cannot answer the question, "what size of tank and drainfield is appropriate for a maximum occupancy of X people in a home," there is a disconnect between your proposed changes to the short term rental code and what actual health and safety experts recommend. Instead, it appears that this is a pretext to artificially remove grandfathered rights in violation of state law applicable to counties.

I note that in the public records provided by the Sheriff, the one incident claimed to be a septic overflow from a vacation rental was proven to be false, after Mr. Crawford conducted a dye test on the septic system of the Miroco vacation rental subject to the complaint. Is it wise to change the law to fix imaginary problems? Counties should have at least some rational basis to change a law to address a demonstrated need. So far, I have seen zero documentation of an actual problem with short term rental septic systems. If there is even one example of a short term rental's septic system causing a public health or safety nuisance, please enter that into the public record to show that there is a problem in the first instance. Conversely, if potential failing septic systems are a dire concern county-wide, that concern should be reflected in a zoning code change that applies to everyone, not just to the 4% of homes who have a natural incentive to keep the home in top-notch condition.

Thank you for considering this important issue.

Best, Heather Brann

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**Kristi Peter** <kpeter@co.lincoln.or.us>

Tue, Mar 30, 2021 at 9:05 AM

To: Heather Brann &lt;branns@earthlink.net&gt;

Cc: Wayne Belmont &lt;wbelmont@co.lincoln.or.us&gt;, boc BOC &lt;boc@co.lincoln.or.us&gt;

Thank you Heather, I will add your comments to the record.



**Kristi Peter**  
Executive Assistant  
Lincoln County Board of Commissioners  
[541.265.4100](tel:541.265.4100)  
[kpeter@co.lincoln.or.us](mailto:kpeter@co.lincoln.or.us)

[Quoted text hidden]

# Public Input

Row 11

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<b>Name</b>	Ian Martin
<b>Email</b>	ianmartin50@yahoo.com
<b>Form Date Field</b>	04/01/21
<b>Topic</b>	Agenda Item
<b>Comments</b>	<p>First of all, I feel that the list of recommendations on the table will deal with the majority of the issues we are facing with STRs in Lincoln County. The map showing the subareas is brilliant. The size and STR population is balanced in such a way where regulating the STR cap issue is very workable. My only suggestion is that in the two subareas where the vast majority of STRs are located, it may be beneficial for the county to give itself the authority to not only limit the number of STRs, but reserve the right to ( in subareas where the density of STRs is so out of balance with the total number of homes) limit the number of days per year that each home can be rented. This would be a way that is fair to all of the homeowners of STRs, and immediately lesson the negative impact of the severe imbalance in certain neighborhoods. Thanks for the opportunity to comment. Best regards, Ian Martin</p>
<b>Meeting Date</b>	04/07/21
<b>Subject</b>	Comments on the STR recommendations from Council Belmont to the County Commissioners

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# Public Input

Row 7

<b>Name</b>	Jerry Gilmour
<b>Email</b>	elderloans@outlook.com
<b>Form Date Field</b>	04/03/21
<b>Topic</b>	Agenda Item
<b>Comments</b>	<p>April 3rd, 2021 Lincoln County RE: STR Code amendments Having read the proposed changes to the county codes with respect to STRs, I would like to express my opinion. While, as a STR owner, I don't disagree with the need to address certain concerns the county has, it appears to me that the amendments impose an imbalanced approach to solutions. • The narrative states that the average family size in Lincoln County is 2.25 people and as such, the occupancy of many STRs far exceeds this average and should be limited to conform more closely to the typical single family occupancy. For a variety of reasons, such as impact on parking, septic systems, noise issues, etc., this effort makes good sense. The county's livability with these limits would be somewhat improved. That said, should specific occupancy limits be imposed, it should be imposed uniformly on all residential dwellings in Lincoln County, whether that residence is a STR or otherwise. Certainly, long term rentals and owner-occupied properties are occasionally guilty of these infractions and should be held to the same standards, for the same reasons STRs are being targeted. No doubt, many residents would see this as a violation of their property rights and I can assure you the same is true of STR owners. * There is a proposed system of complaint arbitration, in which a STR owner is obligated to defend against the possibility of license revocation. That defense will be costly, time consuming and frustrating, whether the complaint rises to the level of justified or not. The party lodging the complaint may have ulterior motives and if the complaint proves to be frivolous, there are no consequences for that party's actions. On balance, it should be specified that the complainant, should the findings of the hearing officer fail to qualify the infraction as a "strike", is liable to the STR owner (and possibly the county as well) for costs incurred, including representation, travel expenses, lodging and other costs. * Properties owned and managed as STRs represent a substantial investment for the owners. In most cases, that ownership is the vehicle of long range financial planning, on which the owner's future depends. The decision to make such an investment is done with faith in the American system of property rights in mind. Given that the ability to rent a property, regardless of the term of that estate has long been considered permissible within the bundle of property rights which is inherent with fee simple ownership in this country, any attempt to strip that right is defensible. Much the same as eminent domain requires the government to compensate the property owner for the taking of property, the taking of specific rights, which vastly impact the value and use of that property, may prove to be compensable. Some of the county's proposals in these ordinance changes bring the county's liability in direct conflict with these principals. Jerry Gilmour</p>
<b>Meeting Date</b>	04/07/21

**Subject**

**STRs**

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April 1<sup>st</sup>, 2021

Lincoln County

RE: STR Code amendments

Having read the proposed changes to the county codes with respect to STRs, I would like to express my opinion.

While, as a STR owner, I don't disagree with the need to address certain concerns the county has, it appears to me that the amendments impose an imbalanced approach to solutions.

- The narrative states that the average family size in Lincoln County is 2.25 people and as such, the occupancy of many STRs far exceeds this average and should be limited to conform more closely to the typical single family occupancy. For a variety of reasons, such as impact on parking, septic systems, noise issues, etc., this effort makes good sense. The county's livability with these limits would be somewhat improved. That said, should specific occupancy limits be imposed, it should be imposed uniformly on all residential dwellings in Lincoln County, whether that residence is a STR or otherwise. Certainly, long term rentals and owner-occupied properties are occasionally guilty of these infractions and should be held to the same standards, for the same reasons STRs are being targeted. No doubt, many residents would see this as a violation of their property rights and I can assure you the same is true of STR owners.
- \* There is a proposed system of complaint arbitration, in which a STR owner is obligated to defend against the possibility of license revocation. That defense will be costly, time consuming and frustrating, whether the complaint rises to the level of justified or not. The party lodging the complaint may have ulterior motives and if the complaint proves to be frivolous, there are no consequences for that party's actions. On balance, it should be specified that the complainant, should the findings of the hearing officer fail to qualify the infraction as a "strike", is liable to the STR owner (and possibly the county as well) for costs incurred, including representation, travel expenses, lodging and other costs.

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Jerry Gilmour



boc BOC &lt;boc@co.lincoln.or.us&gt;

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**Fwd: STRs**

1 message

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

Sat, Apr 3, 2021 at 9:40 AM

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

**From:** John Stotts <whoyhut@yahoo.com>  
**Date:** Fri, Apr 2, 2021 at 1:38 PM  
**Subject:** STRs  
**To:** <dhunt@co.lincoln.or.us>

Dear Commissioner Hunt,

I am a full time resident of Bayshore. When I bought my property in 2009, there were few STRs, mostly located on the oceanfront. Since that time they have spread away from the beach and into residential neighborhoods. One such STR is a four bedroom home across the street from me. As I am typing this letter at 12:30pm, there are eight vehicles parked in front of and spread into an adjacent vacant lot. I have no idea how many people are in the house and using the septic system. This is not unusual. Down the street is another STR whose garbage can was already overflowing the day after pickup.

Most of the homes of full time residents here have one or two cars. A majority of the residents are retired. You are no doubt familiar with the complaints about STRs: overcrowding, speeding, overfilled trash cans, noise including fireworks. They also typically have more and brighter outdoor flood lights that shine into neighboring houses.

At least four homes recently constructed in Bayshore were designed and built as rentals. They are large two story homes with no garage. That's the same as a typical motel. If these were to be used as the owner's vacation homes, they would want a garage to at least store their toys and yard tools.

STRs are motels/businesses in residential neighborhoods.

I have some suggestions:

Freeze new licenses for STRs.

If a current STR is sold it loses its license.

Require trash cans to be of sufficient size and require "concierge" service (trash will be picked up even if cans are not on street).

Require owners and managers to conduct drive by checks of each occupied STR in the evenings to insure compliance with County and local rules.

Evaluate outdoor lighting so as to keep it from shining into neighbor's windows.

Require all newly constructed homes to have a garage.

Thank you,

John Stotts

2610 NW Parker Ave

Waldport, OR 97394

542-272-9659



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# Public Input

Row 14

<b>Name</b>	Jordan Magnuson
<b>Email</b>	jm.magnuson@gmail.com
<b>Form Date Field</b>	03/31/21
<b>Topic</b>	Agenda Item
<b>Comments</b>	<p>Regarding memo recommendation #4: caps on licenses issued: ** Please consider the potential economic impact that you would be inflicting on people by preventing them from renting out their own properties. YES put reasonable regulations in place that keep STRs from being a nuisance, but please do not limit STR licenses in a move that would have dramatic economic fallout for property owners in this region. ** My wife and I own an oceanfront property in Waldport (in the Sandpiper/Bayshore vacation rental area). We have lived in the property as our primary residence since buying it two years ago, and love the area, and are in favor of reasonable regulations of STRs. However, we are strongly against putting a cap on the number of STRs in the County, or in our region (we own an oceanfront property in an area that is majority STRs, with few full-time residents--it is crazy to think that we would be prevented from renting out our own oceanfront property in this area that is 90% vacation homes). My wife and I may soon be forced to make a move, for family and job-related reasons--but absolutely want to keep the house. In addition to having lived here as our primary residence, we have been coming out to the area since I was a child (thanks to STRs that my family was able to rent at the time), and saved for years to finally buy our house. Our whole family (including our kids) would be devastated if we are forced to sell--but if we are to keep the house once we move, we would be dependent on having the income from renting it out as an STR. Which we assumed we would be able to do if necessary when we purchased the property two years ago. I'm glad that the recommendations memo makes a point of stating that existing STRs should remained licensed until the property is sold--but I think you are overlooking people like us who bought an oceanfront property recently with the assumption that we would be able to rent it out (again: why would we ever think that we would be prevented from renting out an oceanfront property in an area that is 90% vacation homes?). Now that we are having to move, if we are unable to rent out our property, we will have to sell it. After working towards being able to buy this place for years. AND the value of the property will be effected, if buyers cannot expect to get an STR license for an oceanfront property. In all cases, we would be terribly affected, by regulation that we did not see coming. ** If any kind of STR cap is put in place, please include some kind of provision for properties that have been purchased in, say, the last 2-3 years: that owners would have a grace period of say 12 months to get an STR license for those properties, as a kind of "grandfathering" of people who were planning to rent their homes before this moratorium took effect. Or better yet: if you must implement a limit system, allow a grace period first for EVERYONE. Make a change for the future if necessary, but make it as gradual as possible to reduce the economic impact. Any cap system that is put in place will end up having a long-term affect for years to come: you don't have to rush it</p>

through. Give a grace period for changes. \*\* Thank you sincerely for your consideration.

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**Meeting Date** 04/07/21

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**Subject** STR Recommendations Memo

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# Public Input

Row 13

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<b>Name</b>	Lynne Frost
<b>Email</b>	farm1101@charter.net
<b>Form Date Field</b>	03/31/21
<b>Topic</b>	Agenda Item
<b>Comments</b>	<p>Dear Commissioners, Please consider this scenario: Within the same geographic subarea cap could an owner of 2 homes, one being an existing STR do a “swap/trade” for a currently non-licensed home which they own. Give up one license for the other. Therefore, avoiding the waitlist. I bought 2 worn-out shacks south of Waldport 15 years ago and have been remodeling them (life savings) into very nice homes. The retirement idea (finally coming in June 2021) was to permanently move into the current STR (in a neighborhood) and turn the other property into a STR (ocean view, not a neighborhood, perfect STR for 4 guests). Thank you for your time on this question. Lynne Frost</p>
<b>Meeting Date</b>	04/07/21
<b>Subject</b>	Short Term Rentals

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# Public Input

Row 9

<b>Name</b>	Mary Ostyn
<b>Email</b>	mary.owlhaven@gmail.com
<b>Form Date Field</b>	04/02/21
<b>Topic</b>	Agenda Item
<b>Comments</b>	<p>Hello, We are concerned about STR licensing changes that will discriminate against family groups who wish to spend time together. My husband and I built our home in Bayshore to allow our family of 12 to vacation together. If the proposed rules were put into place, a family the size of ours could not find a home in which to vacation together. This would also exclude multi-generational families, where each couple has only two or three children, a very common scenario. Families should not be discriminated against. If a family of 4 can rent a 250 square foot hotel room (allowing 62 sq ft per person) a family of 12 who respects parking and quiet time rules should be able to rent our 2900 square foot home which allows guests quadruple the space of a hotel room. Sure, large families could go rent 3 hotel rooms. But then where do you gather? How do you eat together and spend time together, especially in the rain? Our home has dining space for everyone, bedrooms for everyone, and a stair chair and a wheel-in shower to welcome all family members, even those with mobility issues. Often people peg second home owners as rich folks. Let me briefly tell you about us. While raising 10 children (6 adopted), I worked part time as a nurse and gardened, canned, sewed and went yard sale shopping to make ends meet. My husband built furniture and chicken houses and fences, chopped firewood, and worked full time at the hospital in respiratory therapy. (Nope, NOT a doctor.) We built our first house ourselves, and when we sold that home (almost paid off) 23 years later, we transferred that equity into our dream--- building a house on the beach (OK, within sight of it, anyway). Last year renting the home out, we cleared just a little over \$5,000 after expenses. Probably less than most people would guess, especially for a large home. But we hope someday to own it free and clear so we can live here full time if we choose. Please respect property rights of owners who have chosen to invest in Lincoln County. We believe existing rentals should be allowed the grandfathered occupancy limits, with changes being applied only to new licensees going forward. State law protects grandfathered uses and transfer of grandfathered uses in unincorporated counties. Regarding septic systems, we believe rental owners should have septic systems inspected annually and kept in good repair. No one is going to be able to rent a home with a malfunctioning septic system, so owners already have strong incentive to keep septic systems in good working order. Regarding code enforcement, again, owners have a responsibility to communicate rules and requirements to guests before booking, to rent to people who will respect those rules, and to address neighbor complaints. My husband and I as owners take that responsibility very seriously and will continue to do so in the future. All owners' rights should not be removed just because some owners are not taking this seriously. That would be like giving every driver a ticket when one driver is speeding. Those of us with larger and more specialized</p>

homes have much at stake, and so have an even greater incentive to make our homes work well in the community and to be good neighbors. We want to use our homes as they were designed to be used. We want to welcome guests in a non-discriminatory way. Please do not take away the freedom and property rights that drew us to Lincoln County in the first place, and the dreams we have worked so hard to achieve. Thanks for your time. John and Mary Ostyn

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**Meeting Date** 04/07/21

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**Subject** Proposed STR Licensing Changes

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boc BOC &lt;boc@co.lincoln.or.us&gt;

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**Fwd: Some things to consider for the April 7th Workshop**

1 message

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

Sat, Apr 3, 2021 at 10:17 AM

Public Comment

Begin forwarded message:

**From:** Michele Riley <purseonality4@gmail.com>  
**Date:** April 2, 2021 at 9:59:15 AM PDT  
**To:** dhunt@co.lincoln.or.us, Claire Hall <cehall@co.lincoln.or.us>, Kaety Jacobson <KJacobson@co.lincoln.or.us>  
**Cc:** wbelmont@co.lincoln.or.us  
**Subject:** Some things to consider for the April 7th Workshop

Dear Lincoln County Commissioner,

It is Easter Sunday this weekend, a time of rebirth, resurrection for those who believe. I am hoping for all of you to see the problems in our neighborhoods over the past almost 5 years under the current STR Ordinance. In this case I am hoping that you will take action on behalf of us, your constituents who live here, and that you will resurrect our neighborhoods from the de-facto hotel/motel zones they have become and return them to the quiet residential zones they should be.

Let us examine Counsel Belmont's proposals one by one:

**1. Occupancy:** Please limit occupancy to 2 persons per bedroom (please stop using the term "sleeping area" septic systems do not recognize this but do go by number of bedrooms, let's clean up the language here please to make it clear that a closet with a mattress is not a bedroom) and no more, that is it. When Counsel Belmont mentions two people during hours of 8 AM to 10 PM, who will monitor this? Who will ensure those extras leave by 10 PM? This is fraught with problems on the face of it. Please don't do this. Just two per bedroom period, thank you.

**2. Caps.** Oh boy. We were so excited for this and then the reality of no numbers hit us in the face like a Soupy Sales pie! When I think of caps I think of an actual, factual number with a reason for it. What we have continually said is since the current number of STRs cannot be dealt with it needs to be less than that number. We had heard the current number was about 564 but in an article today we see it has jumped even during the pandemic to 612. Wow, that shocked us. How could it jump with a licensing suspension? We were told at the workshops that the number was 601. **What is the actual number of STRs in unincorporated Lincoln County? And where can we get that number?**

To have caps, either county-wide or area caps we need to know the number. Commissioner Jacobson wisely suggested finding out the number of unlicensed STRs before placing a cap. This would tell us that that has been done because now you are in agreement on doing so. I would like to see a cap according to the economic impact study that Ms. Jaime Michel had done with the person from Texas. He stated that STRs should not take away any more than .5 to 1% of the housing in a given area so as to not adversely affect housing for working people or the neighborhood itself. That seems reasonable. Of our 32,000 homes or so according to the U.S. Census Bureau (Note: this figure is for all of Lincoln County, it does not break out the unincorporated area), that would be 320 homes. Then work out the 1% solution for each of our neighborhoods too. In my neighborhood of 59 homes that would work out to one STR. That seems reasonable and I know the home that this should and would apply to. The one home that was there first, the one home that is owner occupied, the one STR that never bothered me nor any of my neighbors.

This is where neighbors can actually help the BOC. This is where neighbors should be able to weigh in on who stays and who goes. We, the neighbors, can tell you which homes have not been a problem. Enlist us to help you in this process. We live here, we can help. And, we should because the enforcement of the rules as written is not happening. Tour the neighborhood with me if you like, I can show you which homes have had which problems because I know. Other neighbors in other neighborhoods know too. Let's work together on this. You have much of the data already, all of our testimonies, our letters, our paper trail if you will.

**3. Enforcement.** Here is how this can work for all parties. Example: The STR near me is obviously having a large, loud gathering, it is 10 PM and the music is blaring, people have parked several cars in the roadway and the lights are blinding. Now I know that the place is a three bedroom home which under current regulations can mean 11 people. But I see seven cars and I know I saw at least four get out of four of those cars so they are already over-occupancy. Now, I could go through the current policy of calling the local contact or the management company, filling out the form on LodgingRevs etc etc. However, let us cut to the chase, noise is a true law enforcement matter as is parking. So I call the Sheriff's Department. It takes at least 30 minutes to get to my neighborhood from Newport on a good non-summer day. It being late at night, perhaps traffic is light and he/she arrives within that half-hour. According to the current plan the Sheriff's Deputy must see the violations themselves. So the deputy sees the cars, hears the noise and then does what? In a case from last summer even with the renters admitting wrong-doing nothing happened.

How do we improve this? Having to see the violation in process is so difficult. Bank robbers don't stand there waiting for the police to **watch** them rob the bank. Yet after they take the money all would know a robbery had taken place. If you put in a group of "STR Community Service Officers" who are not bound by criminal laws, that is that they must witness the violations themselves, but who would instead rely on neighborhood eyes and ears of residents who witnessed the problems themselves to report the violations. And the CSOs would give the "strike" to the STR owner based on the violation report and their investigation. Suggestion is to hire three of these officers, one for northern Lincoln County, one for central Lincoln County and one for southern Lincoln County. They should be on duty every weekend without fail all summer long. Starting on Friday at 7 o'clock in the evening until 3 AM and the same for Saturday evening. Sunday it should be from noon to midnight but for three day weekends it would be from 7 to 3 AM on Sunday for holidays and three day weekends in the summer beginning with Memorial Day and ending with Labor Day in the summer season. Any violation after 3 AM would be regular law enforcement. How to pay for this? Increase licensing fees to \$2000/year.

**4. Septic.** This new regulation falls in line with what I and many neighbors have to do already: our septic system is on a contract that calls for two inspections per year and a filing fee of \$85 for County paperwork stating that our system is in compliance for the year. We don't use our home for anything but a home, why should we have to do more than the STRs do when we only house two people all year long and they rent to many more than that? The inspection before a license is given is a great idea for then and only then can a number of occupants adequately be established. And an aged or broken system component can be identified and repaired before any environmental or health impacts can occur. This makes very good sense as **75% of the STRs in unincorporated Lincoln County are on private septic systems.**

To those I would like to add:

**5. No transfer of license allowed.** Right now under the suspension this should not be an issue. No license should be transferred when the property is sold. Business licenses do not transfer, why should an STR license transfer when a property is sold? This should be stopped. This license is a non-conforming use and it is a business in a residential area for most of the ones in unincorporated Lincoln County.

Thank you Lincoln County Commissioners for undertaking this herculean task and being there for your constituents. We appreciate all of your continuing efforts to make things more equitable for all.

Respectfully,

Michele Riley, unincorporated Depoe Bay

# Public Input

Row 2

<b>Name</b>	Mona Linstromberg
<b>Email</b>	Lindym@peak.org
<b>Form Date Field</b>	04/04/21
<b>Topic</b>	Agenda Item
<b>Comments</b>	<p>Lincoln County Short-Term Rental Second Virtual Workshop, April 7. 2021 STR Memo - Recommendations (3.29.21) 1) Occupancy Limits: I agree with the rationale and approve of the recommendations for occupancy limits (2 persons per sleeping area). It follows that I would not recommend 'grandfathering' in at greater occupancy. 2) Septic Systems: I agree with the recommendations. I do suggest there be communication between those enforcing septic system regulations and those monitoring and enforcing STR violation 'strikes'. 3) Additional Code Enforcement Options: Language matters. Neighborhood 'Complaint' Resolution should read Neighbor 'Violation' Resolution. See #2 above. Having been involved in the Newport STR ordinances (licensing and land use), an over-whelming on-going issue is enforcement. Enforcement is complaint driven but the underpinnings of the process put the reporting neighbor at a disadvantage IF regulations are poorly defined, enforcement is inconsistent and/or code is not implemented (e.g. fines of \$500 per day per violation...not levied). And why does the hint of litigation by STR owners/lobbying organizations appear to carry more weight than what is in the public interest? My familiarity with the City of Newport's STR ordinance implementation, based on hours and hours of observation and participation, has made me think critically when assessing the County's proposals. Lincoln County has a track record with its 2016 ordinance. 4) Caps on Licenses Issued: Hmmm... July 15, 2018 Steven Rich, Newport City Attorney wrote to Derrick Tokos, Newport Planning Director "I would recommend that a not-less-than 5- year phase-out period would allow a sufficient period of time to amortize the investment made in a VRD operation and convert the property to customary residential use. That period provides, in my opinion, fair and adequate notice that VRD uses are being phased out." The above is to be considered if a phase-out is considered. The letter can be submitted in full if requested. Of course, Lincoln County seems totally averse to entering the land use arena. I am unsure why. This is the time to take a step back and reevaluate that position. There is urgency so, if needs be, an interim cap provision could be implemented. My recommendation is to utilize the County's Alternative 4 to cap licensed STRs until the five-year phase out in licensing of STRs in R1 and R2 zones is met. The following could also be considered; if owner occupancy criteria are met, STRs phased-out could be licensed under owner-occupancy regulations. That would be another option in addition to the long-term rental option already available. Thank you for your attention, Mona Linstromberg, 831 E. Buck Creek Rd. Tidewater, OR 97390 unincorporated Lincoln County</p>
<b>Meeting Date</b>	04/07/21

**Subject**

Short-Term Rental Second Virtual Workshop

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April 5, 2021

Lincoln County

Short-Term Rental Second Virtual Workshop, April 7, 2021

STR Memo - Recommendations (3.29.21)

- 1) Occupancy Limits: I agree with the rationale and approve of the recommendations for occupancy limits (2 persons per sleeping area). It follows that I would not recommend 'grandfathering' in at greater occupancy.
- 2) Septic Systems: I agree with the recommendations. I do suggest there be communication between those enforcing septic system regulations and those monitoring and enforcing STR violation 'strikes'.
- 3) Additional Code Enforcement Options: Language matters. Neighborhood 'Complaint' Resolution should read Neighbor 'Violation' Resolution. See #2 above.

Having been involved in the Newport STR ordinances (licensing and land use), an overwhelming on-going issue is enforcement. Enforcement is complaint driven but the underpinnings of the process put the reporting neighbor at a disadvantage IF regulations are poorly defined, enforcement is inconsistent and/or code is not implemented (e.g. fines of \$500 per day per violation...not levied). And why does the hint of litigation by STR owners/lobbying organizations appear to carry more weight than what is in the public interest? My familiarity with the City of Newport's STR ordinance implementation, based on hours and hours of observation and participation, has made me think critically when assessing the County's proposals. Lincoln County has a track record with its 2016 ordinance.

- 4) Caps on Licenses Issued: Hmm... July 15, 2018 Steven Rich, Newport City Attorney wrote to Derrick Tokos, Newport Planning Director "I would recommend that a not-less-than 5-year phase-out period would allow a sufficient period of time to amortize the investment made in a VRD operation and convert the property to customary residential use. That period provides, in my opinion, fair and adequate notice that VRD uses are being phased out." The above is to be considered if a phase-out is considered. The letter can be submitted in full if requested.

Of course, Lincoln County seems totally averse to entering the land use arena. I am unsure why. This is the time to take a step back and re-valuate that position. There is urgency so, if needs be, an interim cap provision could be implemented.

My recommendation is to utilize the County's Alternative 4 to cap licensed STRs until the five-year phase out in licensing of STRs in R1 and R2 zones is met. The following could also

be considered; if owner occupancy criteria are met, STRs phased-out could be licensed under owner-occupancy regulations. That would be another option in addition to the long-term rental option already available.

Thank you for your attention,  
Mona Linstromberg,  
831 E. Buck Creek Rd.  
Tidewater, OR 97390 unincorporated Lincoln County

## Subarea Cap Considerations Related to Health and Safety

1. Will you post an accurate map of the built dwellings (not lots) for each Subarea? Will you code each STR by the number of licensed bedrooms to show maximum licensed occupancy?
2. Which of these emergency access/hazard evacuation/preparedness criteria have been, or will be considered, in evaluating the suitability of a Subarea for a STR? What weight has been, or will be given, to each of these criteria? **Will the Fire Districts be consulted?**

### A. Roads

1. Are the narrow roads maintained by Road Districts for their members suitable for emergency evacuation of large numbers of residents/renters?
2. Is there is more than one ingress/egress road from a neighborhood to 101?

### B. Hazards

3. Are STRs in the close-in Tsunami Inundation Zone? Is a warning siren available?  
<https://geo.maps.arcgis.com/apps/MapSeries/index.html?appid=6c1b9489b5e3484b9a1086b0fbd9f95>
4. Are STRs susceptible to landslides?  
<https://www.oregon.gov/dogami/Pages/geohazards-overview.aspx>
5. Are STRs in a Special Flood Hazard Zone?  
<https://msc.fema.gov/portal/search?AddressQuery=3755%20Rocky%20Creek%20Depoe%20bay%20or#searchresultsanchor>

### C. Emergency Preparedness

6. Has the County and/or Fire District established a neighborhood cache? <sup>1</sup>

### D. Health

7. Is the drinking water supply public, private, or from a well?
8. Is the wastewater treated by sewer or septic?

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<sup>1</sup> A basic cache would contain drinking water (provided by the Fire District, and changed out every three years), medical supplies, sanitation supplies (make-shift toilets), shelters (tents), food and prep kits, tools, and communications to over basic needs of Residents and Renters for 3 weeks. Miroco's inventory has 300 line items in 13 categories. Planning began in 2019 in consultation with Coronado Shores, CERT Coordinator Kay Wyatt, and the Depoe Bay Fire District.

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**March 26, 2021**

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## PREFACE TO POSSIBLE CODE CHANGES

“Social capital” broadly refers to those factors of effectively functioning social groups that include such things as interpersonal relationships, a shared sense of identity, a shared understanding, shared norms, shared values, trust, cooperation, and reciprocity.”

[https://en.wikipedia.org/wiki/Social\\_capital](https://en.wikipedia.org/wiki/Social_capital)

Most nonresident owners/investors of Short Term Rentals (STR) are not residents of Lincoln County. Most do not share these values. This is based on our review of the Public Comments submitted by Proponents of STRs during the Workshops in 2019, 2020, and 2021, media reporting, and even social media accounts.

The Lincoln County Business License model for STRs was adopted without a qualitative and quantitative study of the countywide infrastructure and services' impacts. We now know from the widely reported experiences during the wildfires and recent bond measures for increased Emergency Services that infrastructure has been affected. Other examples include waste management (septic v sewer), availability of long-term work force housing, roads, public health and safety, and emergency preparedness. Even the supply of volunteers needed to a variety of government agencies and nonprofits has been affected. We need more volunteers even as fewer are available.

Through personal experience and County records, 15 neighborhoods (we) know that the STR Regulation was designed to rely on Neighborhood Reporters. However, licensing STRs in single-family Residential Zones that include pockets of residential areas or neighborhoods was short-sighted.<sup>1</sup> The lack of a robust enforcement program that has allowed the Industry a "pass" for over four years is proof that the Industry cannot self-regulate.

We urge the Board of Commissioners (Board) to look at the record of problems that have been reported in the Public Comments submitted for 2019-2021 Workshops, the Public Testimony provide at the 2019-2021 Workshops, and the Public Input provided during the Board's pre-COVID meetings. We ask the Board to consider the residential neighborhood problems that prompted you to review the STR Amendments in 2019. Finally, we ask to Board to consider the threats made by property managers and owners, including threats of litigation, against Neighborhood Reporters who report violations. Do not be lulled into believing STRs will ever be good neighbors to permanent residents in single-family areas, regardless of the number of restrictions that you will enact or whether STRs are managed by professional property managers.<sup>2</sup>

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<sup>1</sup> The *Position Paper of the Oregon Restaurant and Lodging Association (ORLA)* states that “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.” . [https://www.oregonrla.org/uploads/9/7/9/8/97983354/orlaposition\\_shorttermrentals.pdf](https://www.oregonrla.org/uploads/9/7/9/8/97983354/orlaposition_shorttermrentals.pdf)

<sup>2</sup> *Id.* ORLA’s position that “(s)ecuring affordable housing for permanent residents” and “preserving the character and integrity of residential neighborhoods” are “legitimate governmental interests” is in agreement with Oregon Supreme Court in *Cope v. City of Cannon Beach*, 115 Or App 11, 836 P2d 775 (1992), *aff’d* 317 Or 339, 885 P2 1083 (1993). But beyond

The members of 15neighborhoods' Steering Committee and hundreds of other full-time residents have signed the Initiative Petition to (1) phase-out STRs from single-family Residential Zones, (2) prohibit further licensing, (3) prohibit transfer upon sale, and (4) limit occupancy to more than two persons per bedroom. To a person, all are flummoxed when confronted with the common assertion by owners that they "have property rights", presumably superior to their residential neighbors.

What about the residential neighbors' property rights? We live in homes that we either bought or rented in Residential Zones, fully expecting to join a community of neighbors, not unknown transient renters who nightly churn through our neighborhoods. We didn't buy in HOAs because we did not know we had to in order to preserve our right to live in Residential Zoning. And even if we had, it would have made no difference in many HOAs. Unless CC&Rs specifically prohibit short term rentals, they can't keep them out. Now there are so many nonresident HOA STR homeowners that a vote to limit STRs can't pass the high standard needed to amend the CC&Rs.

Why hasn't the County<sup>3</sup> done something?

15neighborhoods believes that the County's work to amend the STR Regulatory Program is the "something" residential neighbors have been hoping would happen. When the process stalled after the 2019-2020 Workshops, the Initiative Petition was reluctantly commenced and COVID-safe signature gathering began in midst of a pandemic. In the interest of public health, we chose to rely on the single-signature sheet process, rather than the traditional way signatures are gathered.

But COVID did not stop renters or the property managers. On May 20, the Commissioners passed Order 5-20-136 (Modifying Order 4-20-118 *Exercising Authority to Act to Protect Lincoln County Citizens and Minimize the Effects of the COVID-19 Emergency*, re-opening lodging pursuant to a Plan and requiring a 24-hour hold. It was a reasonable compromise between public safety and the economy, on the basis of the facts known at the time.<sup>4</sup>

During the few weeks the Order was in effect, neighbors witnessed and reported violations of the 24-hour hold. Some were reported to the Board, some to the Sheriff. We know of none that were cited.<sup>5</sup>

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advocating for improved enforcement (without suggesting that the additional expenses be borne by the owners), ORLA's only recommendation to government is to rely on its membership, the professional property managers.

Neither ORLA or the Lincoln County property managers have submitted *a scintilla of evidence* that either owner-managed STRs or unlicensed STRs are the problem in residential neighborhoods. In contrast, many residents of unincorporated County, have provided evidence over the last 4 years that the removal or reduction in the number or percentage of STRs in single family residential neighborhoods is more likely to *achieve* Lincoln County's legitimate governmental interest as articulated and intended by the *Cope* Court. Our experience does not distinguish between the professionally and the nonprofessionally managed STRs. See the Tabs "Research and Resources" and "Community Response" at [www.15neighborhoods.com](http://www.15neighborhoods.com)

<sup>3</sup> Unless otherwise indicated, "County" means an employee of the County with the responsibility of managing or implementing, all or a part of, the STR Program.

<sup>4</sup> "A minimum 24 hours hold be maintained between check out and the time the room is cleaned and put out for rental again." [https://www.co.lincoln.or.us/sites/default/files/fileattachments/board\\_of\\_commissioners/page/7171/order\\_5-20-136\\_framework\\_reopening\\_plan\\_lodging\\_5.14.20.pdf](https://www.co.lincoln.or.us/sites/default/files/fileattachments/board_of_commissioners/page/7171/order_5-20-136_framework_reopening_plan_lodging_5.14.20.pdf)

<sup>5</sup> For instance, a Neighborhood Reporter witnessed a housekeeper entering an STR that is managed by a professional

***These violations easily could have been prevented by the professional property managers because they book renters and schedule housekeeping.*** The Industry could not even comply with the re-opening plans they drafted even though the County stated in the Order and on the County's website that "(e)ach establishment that will reopen shall submit a plan detailing how they will meet the minimum requirements established in this Order. The plans will be sent to the respective jurisdictions via email at the addresses below. Failure to adhere to the plan shall be grounds for revocation of permission to open and may subject owner/operator to other remedies available under state and local law."

They were not good neighbors, even when threatened with revocation of permission to open. We, your constituents, mistakenly believed that Order 5-20-136 would protect us.

The Oregon Supreme Court in *Cope v Cannon Beach*<sup>6</sup> upheld local government's right to regulate STRs to secure "affordable housing for permanent residents" and to preserve "the character and integrity of residential neighborhoods" as a "legitimate governmental interest." Both ORLA<sup>7</sup> and 15neighborhoods agree with the Court

STR owners claim that Lincoln County "takes" their property rights when it imposes restrictions. But according to the U.S. Supreme Court, "where an owner possesses a full "bundle" of property rights, the destruction of one "strand" of the bundle is not a taking because the aggregate must be viewed in its entirety. So long as the challenged governmental action advance legitimate governmental interests, it does not deny property owners economically viable use of their properties.

The restrictions we urge the Board to consider do not deny the property owners economically viable use of their properties. They remain available for personal use by the owners, as a long-term rental or for sale. The Constitution does not guarantee the right to earn several hundred dollars for nightly rental, only a viable use.

If we have learned anything over the past four years, is that achieving compliance "one booking at a time" is not enough to stop recurring violations. We have also learned that 100% compliance with the nuisances is not enough to preserve our work-force housing and ensure the sense of community sought by those who settle in neighborhoods.

Non-resident investors need restrictions on not only "how" they operate, but more importantly "where" they operate. Residents need to know the length at which the unincorporated County is

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property manager no more than 3-4 hours after the renters had departed. Upon contacting the Sheriff, the neighbor was told that evidence would be required before anything would be done about an alleged 24-hour hold violation and that nobody was available. The Neighbor photographed the housekeeper's car only to learn later from the Sheriff that a Deputy had to witness the violation. Among the complaints in the Public Comments was that a neighbor with a camera was harassing housekeepers. If this is the situation recalled in the Comment, the neighbor neither spoke with or photographed the housekeeper.

<sup>6</sup> *Cope v. City of Cannon Beach*, 115 Or App 11, 836 P2d 775 (1992), *aff'd* 317 Or 339, 885 P2 1083 (1993). Often cited by owners and property managers is *Yogman v. Parrott*, 142 Or. App. 544, 921 P.2d 1352 (1996), *aff'd* 937 P.2d 1019, 325 Or 358 (1997), a case that involves private HOA homeowners suing one another over the interpretation of a restrictive covenant. *Yogman* is irrelevant in a situation like ours where the government [Lincoln County Board of Commissioners] takes action to regulate STRs.

<sup>7</sup> See Footnote 2, *infra*.

willing to accommodate an Industry that takes the property of others and generates wealth that does not lead to sustainable and inclusive growth in the communities where the extractive activity takes place. The revenue (wealth) generated by STRs leave the County unless the owner is a resident.

Lincoln County is a commodity.<sup>8</sup> It is interchangeable with any other coastal county. Our residential neighborhoods, our homes, our families, our community are mere resources to this Industry.

In cooperation with the County's request for informed and specific suggestions on a number of topics to consider for amendments, but in particular "3 Strikes" and Area Caps, 15neighborhoods respectfully proposes the following Code Changes.

It remains 15neighborhoods position that a five-year phase-out of STRs, proposed in the Initiative Petition Initiative, is the way forward.<sup>9</sup> In the interim, amending the existing STR Code will provide respite for the neighborhoods.

## I. POSSIBLE CODE CHANGES

### A. "THREE STRIKES"<sup>10</sup> AND COMPLIANCE ENFORCEMENT.

Enforcement may reduce the nuisance impacts of STRs, but only reductions in STR numbers reduce non-nuisance effects such as (1) churning of unknown renters and cars, (2) reduction in available housing stock, (3) transfer of local wealth away from County, (4) infrastructure wear and tear, (5) compromised emergency services delivery, (6) compromised natural disaster evacuation or "shelter-in-place" plans, (7) loss of volunteers for neighborhood Road Districts, Water Boards, and County citizen Committees and Task Forces, and (8) loss of funding necessary to retain public K-12 schools due to a low census. Therefore, Amendments should strive to reduce STR numbers in single-family neighborhoods or areas as proposed elsewhere in this Document.

The reasons for some Steps are included in brackets rather than in a footnote.

STEP 1. A neighbor (Neighborhood Reporter) or representative of the County<sup>11</sup> files a Report in writing or by phone to a 24/7 Operator (Hotline). <https://lodging.munirevs.com/complaint/?cityid=570>

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<sup>8</sup> For example, see *Meredith Lodging LLC, et al v. Vacasa* was filed in Federal District Court on March 3, 2021. <https://vrmintel.com/meredith-lodging-files-complaint-against-vacasa-in-us-district-court-alleging-vacasa-is-contacting-its-homeowners-with-false-and-misleading-info/>

<sup>9</sup> See also Attachment A.

<sup>10</sup> A "Strike" is a substantiated violation whether or not timely mitigated. Three Strikes shall result in a permanent revocation of the STR License. The Revocation is not reviewable.

<sup>11</sup> STR enforcement should be managed by a Civil Code Enforcement Officer who can determine whether a violation of LCC 4.440 (Operating Standards) occurred and, if so, assess a Strike per LCC 4.450(1)(a), as amended, and if applicable, LCC Chapter 10. The Civil Code Enforcement officer does not need criminal background credentials because with two exceptions (noise, and some parking), the STR violations would be civil. The Civil Code Enforcement Officer could also serve as the Inspector of STR premises prior to licensing.

[DISCUSSION: The County should confirm that the Hotline can take a bilingual Report by phone? Recently, the Hotline was asked whether a violation could be reported in Spanish, and was told no by the 24/7 Operator. The Hotline has bilingual Complaint Form on-line. Does the Hotline have bilingual operators?

STEP 2. The Hotline notifies the property manager of the reported violation. The Hotline shall not disclose the Neighborhood Reporter's identity. [DISCUSSION: Why require anonymity at Step 2? Recently, the Hotline disclosed the name of the Neighborhood Reporter to the property manager who then called the owner. The owner called the Neighborhood Reporter, yelled at her and accused her of retaliation against him *for owning an STR*. He threatened her with litigation because she posted a "Neighborhoods not Vacation Rentals" yard sign. This is not the first time that either an owner or a property manager has threatened litigation. This is an increasingly common response when they learn of a report and the name of the Neighborhood Reporter. Because the County enforcement process relies almost entirely on neighbors to report violations, the process needs to protect the Neighborhood Reporters. See Section III. D.]

STEP 3. Within 60 minutes after the report of the alleged violation is made by phone call to Hotline, the property manager shall have arrived at the STR and begun to address the violation. Failure to timely respond shall count as a violation that, if substantiated, may lead to a strike. This is in addition to a strike that would arise from a substantiated violation.

STEP 4. After the notification in Step 2, the Hotline logs the date and time of the Report of the alleged violation and notifies the County in writing. The County prints the Hotline Report and snail mails it to the Neighborhood Reporter.

STEP 5. The County notifies the owner and the property manager, blind copy to the Neighborhood Reporter to preserve the anonymity, by certified mail that a violation has been reported and they have 7 business days to respond or the allegation will be considered substantiated and considered a strike.

STEP 6. If an alleged violation is substantiated<sup>12</sup> in Step 5, the County will include its written decision, which shall include Findings of Fact, in the on-line file for this STR. A Neighborhood Reporter's identify should not be made public. It is unnecessary for due process. There is no legally justifiable reason for disclosure. It will dissuade residents from reporting a violation. Public disclosure is not in the County's interest and could lead to allegations of retaliation as described in Section III. D (Retaliation).]

STEP 7. The County is urged to follow the evidentiary rules of civil claims and adhere to a civil burden of proof (more likely than not) rather than the criminal burden (beyond a reasonable doubt). The County should provide a list of acceptable evidence. For instance, do statements need to be sworn or witnessed? Do photos need to be date stamped or is an accompanying statement enough?

STEP 8. To prove the violation, the County shall accept a written statement of the Neighborhood Reporter, or the written statement of a Witness to the violation, or a photo or video recording whether or not date stamped. The property manager or owner must make a renter available as a witness if called by the Neighbor Reporter. Failure to do so will be deemed an admission of the alleged violation for which the renter was called.

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<sup>12</sup> If Step 6 review is performed by a nonlawyer, the evidence and written decision should be review and concurred on by attorney is the Office of Legal Counsel.

STEP 9. Upon the substantiation of the third strike, the County shall revoke the owner's STR License, subject to a due process hearing, to the owner and the property manager, bcc to the Neighborhood Reporter, by certified mail. [WAYNE: What is the process for revoking a business license held by a motel or a restaurant or a medical facility? The processes should probably be parallel. Evidentiary rules (see paragraph I.A.7) should also probably be parallel.]

STEP 10. All decisions should be written and available on the public website with care given to protect the identity of the Neighborhood Reporter(s).

## **B. CONTACT INFORMATION AND SIGNAGE.**

1. Contact Information, including the Name and Phone of a Lincoln County resident (Local Contact), should be posted on a sign prescribed by Lincoln County. The text of the sign shall be legible from the street.
2. Operating without a prescribed sign shall result in a Strike per each day of continuous operation, including the day the violation is reported and each succeeding day until the violation is remedied. "Day of Continuing Operation" means each day the STR is rented
3. The Local Contact shall be available to respond within one (1) hour of Notification. Notification is defined as when a Neighborhood Responder contacts the Hotline. The clock ends when the Local Contact arrives at the STR.
4. Failure to begin mitigation within one (1) hour of Notification shall result in a Strike.

## **C. CAPACITY LIMITS PER UNIT.**

### 1. Sewer

a. The occupancy of STRs on sewer shall be two persons per bedroom, with a maximum of six for any rental unit. Children under two shall be counted as licensed occupants. [DISCUSSION: As noted in the 2020 Census, the average number of people living in a home in Lincoln County is 2.25 persons.<sup>13</sup> Realistically, preserving the livability and character of a neighborhood is impossible when the occupancy of a STR is more than six where the average occupancy of a Lincoln County home is only 2.5 persons.]

### 2. Septic

a. The occupancy of STRs on septic shall be two persons per bedroom, but no more than four persons. Children under two shall be counted as licensed occupants.

## **D. SEPTIC SYSTEMS.**

1. Require an initial ESER for all STR septic systems to determine the actual as-built characteristics of all

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<sup>13</sup> <https://www.census.gov/quickfacts/fact/table/lincolncountyoregon,OR/PST045219>

components of the system. Do not rely solely on permit information. Not all are built as permitted.<sup>14</sup>

2. Require an annual inspection of the septic system and perform pumping or maintenance as needed, with reports to be filed with the county.<sup>15</sup>
3. Require that ESER results and the STRs complete septic record, including permits, inspection and maintenance records, and all related correspondence are filed with the County and made easily accessible and publicly available (free) on the County website.
4. Require compliance with the National Environmental Health Association's (NEHA) Recommendations for Septic System Emergency Preparedness for (a) Power Failure, (b) Wildfires, (c) Flooding, (d) Earthquake, and (e) Snow or Freezing Temperatures.<sup>16</sup>
5. Post County provided Guidelines "How to Safely Use Your Septic System" at each sink and toilet.

## II. POSSIBLE PROGRAM ADDITIONS

### A. CAP ON THE NUMBER OF STRS IN RESIDENTIAL AREAS.<sup>17</sup>

1. **NOTE:** Two approaches to STR Regulation are discussed in **Attachment A**, namely, a (1) Cap and Density Regulatory Scheme and an (2) Owner-Occupied Regulatory Scheme. If the County adopts and Caps and Density Regulatory Scheme, we recommend that STRs be Owner-Occupied to avoid the lesson of Roads End: Natural attrition is inadequate to reduce the number of STRs. The discussion below applies to Cap and Density Regulatory Scheme, but the County could require Owner-Occupancy along the lines discussed in Attachment A. See paragraph II.C.
2. Caps, Density Limits, and Spacing Standards should reflect the realities of the variety of rural

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<sup>14</sup> The cost of an ESER is nominal, given the cost of a nightly rental. According to A&B, an ESER fee varies from \$425 for a standard system to \$625 for a sand filter system. Tanks need to be pumped first. A&B charges 45 cents/gallon to pump a septic tank. The costs are a tax-deductible business expense for STRs because they are licensed as a business.

<sup>15</sup> The Department of Environmental Quality (DEQ) requires owners of some newer systems (such as Whitewater) to pay for an annual inspection (\$300 with A&B Septic) and to file a Report (\$85 DEQ fee).

<sup>16</sup> Compliance will require the active involvement by the property manager. <https://www.neha.org/search/node/septic>

<sup>17</sup> From our review of the Public Comments, Testimony, Workshops, and Hearings in 2016 when the current STR Code was adopted, the Board did not intend for STRs to redirect the economic trajectory of unincorporated Lincoln County from a diverse, but economy to a low-wage tourism-based economy driven by nonresidents investors. In 2014, two years prior, the Board rejected this. Instead, the Board voted unanimously to accept the *Lincoln County 10 Year Economic Study* (2014). The data showed that the tourist contribution to the entire County was *less than that of that of transfer payments and investments of senior residents*.

Two years after enactment of Ordinance 487 the Board adopted by unanimous consent Resolution 19-24-7B that accepted the *Lincoln County Housing Strategy Plan* (HSP). The HSP reported that the County remained short of achieving Goal 10 (Housing), although without attribution. The data on page 16 of the HSP suggested that STRs could be a contributing factor.

communities found in Lincoln County. Special consideration should be given to emergency access. For instance, few or no STRs should be licensed in residential areas that present emergency access problems either because they are (1) isolated by nature on three sides, (2) have narrow roads restricting emergency vehicle access or (3) have only one or no ingress/egress road to HWY 101.

3. At a minimum, immediately prohibit licensing<sup>18</sup> of new STRs in low-density residential areas, neighborhoods, or subdivisions.<sup>19</sup> Consider adopting Caps (*see* Attachment A), Density Limits (*see* paragraph II.A.4), Spacing Standards (*see* paragraph II.A. 5) while relicensing STRs that otherwise meet the Amended Code's new requirements. Based on the economist's statement cited in Attachment A, footnote 2, our recommendation has changed from a 4% Cap to a 1% Cap.

4. Institute proximity limits to avoid dense concentrations of STRs. We recommend a minimum of 250 feet between any points on the property lines of any two STRs."

5. For STRs that are located in single-family Residential Zones, we recommend that the County apply residential standards because the use has changed.

The County adopted the following Zoning Code standards for Zones R-1 and R-2 to reflect the residential use by working families or retirees who overwhelmingly compose the population of Lincoln County. These standards are a guide to what the County Planners considered the ideal layout for a typical single family neighborhood.<sup>20</sup>

(a) Minimum Lot Size:

- 6000 square feet in urbanized areas with public water and sewer
- 2 acres in most rural areas.

(b) Yards

- Front yard - 20 feet
- Rear yard - 10 feet
- Side yard - 5 feet or 1/3rd the building height, whichever is greater

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<sup>18</sup> Licensing includes both new licensing unless licensing is prohibited in residential areas and the relicensing of existing STRs in residential areas, assuming they are able to meet new licensing requirements.

<sup>19</sup> In his Memo to the Board, dated May 29, 2019, County Counsel Wayne Belmont wrote that "approximately 518 licenses have been reviewed by the Sheriff's Office (including pending and others in process). This constitutes about 4% of the total housing stock in the unincorporated areas of the County. The County will be working on taking the data from the licensees to map out where the properties are located and what underlying ***zoning and service availability (sewer and water especially)*** is in the various locations).

<sup>20</sup> These Standards may explain why Investors buy existing homes in residential neighborhoods. Clearly, lots in existing residential neighborhoods cannot be easily or inexpensively developed because they could not comply with current Standards.

- Street side yard on corner lots - 20 feet, can be reduced to 10 feet by increase in front yard setback (2 feet increase in front yard for 1 foot decrease in street side yard)
- Corner lots allow 5 foot rear and side yard setbacks, or 1/3 the building height, whichever is greater

(c) Special Setbacks

- State Highway - 30 feet
- Collector or arterial less than 60 feet wide - 30 feet

(d) Building Height:

- 30 foot maximum

(e) Lot Coverage:

- 30 percent maximum

6. STRs should not be licensed on a cul-de-sac<sup>21</sup> or Road District-maintained roads unless it determined that evacuation or emergency evacuation clearances are adequate for the number of STRs and maximum licensed occupancy and vehicles. This determination should made by the County Fire Districts and weighed by the County in deciding an appropriate Cap.

**B. TRANSFER OF BUSINESS LICENSES.**

1. Require that an STR Business License be issued **only** for the primary residences of owners. The eliminates outside-owned investment properties and multiple STRs with a single owner.
2. The STR Business License is issued to the owner and does not transfer with the sale or conveyance of the property. All STR Business License holders must report to the County any change of ownership for their STR, in whatever form, before the conveyance deed is recorded

**C. ALTERNATIVE STR MANAGEMENT AND RENTAL ARRANGEMENTS.**

1. Change “Short Term Rental” licensing to require a that the owner must be a permanent resident of Lincoln County and the STR is their permanent residence. The STR can be:
  - (a) A “home-share” rental where the owner resides in the home while a portion of the home is made available to short-term rentals. There would be no limit on the number of rental days. This is equivalent to a B&B without breakfast.
  - (b) A whole-home rental of the primary residence without the owner being present, limited to a maximum of 30 days per year.

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<sup>21</sup> A 'cul-de-sac' and dead-end street' are minor streets with only one outlet which provides a vehicular turn-around." LCC 1.115(80)(f).

### III. REGULATIONS SUGGESTED BY THE PUBLIC.

#### **A. LANGUAGE MATTERS.**

1. The Neighborhood Reporter is the STR Program's first responder, not a snitch. The Neighbor who observes the alleged violation and makes the effort to report the violation for the welfare of the neighborhood is a Reporter, not a Complainer.
2. The system only works when the three parties (County, Violation/Local Contact, and Reporter) fulfill their responsibilities and show mutual respect for each other's role. For instance, the Owners/Local Contact rely on the Reporters to report the "bad actor" in a timely manner to achieve compliance. avoiding additional disruption of the rights afforded by the STR Code. Neighbor Reporters and the Owners/Local Contacts rely on the County to log all reports of alleged violations and, where substantiated, call a 'strike' regardless.

#### **B. TRANSPARENCY.**

1. Require the County and LodgingRevs to maintain publicly accessible records, either on-line or available to review in person. No search fee should be required. Up to 25 paper copies of records should be provided free, or records can be downloaded to a thumb drive provided by the Requester.
2. STR records should include the (1) Application for License including the Inspection Report, the Septic Permit, the Building Inspector Report, the Fire Department's Report, the Proof of Commercial Insurance as well as other Reports required by the Application, (2) License, (3) the complete record of violations which includes the LodgingRevs record of violation forwarded to the County, all evidence submitted, the written Determination(s), and correspondence between the County and the other parties.
3. Accessibility requires that all information related to STRs should be indexed and either consolidated in one location or cross-referenced as the City of Newport has done.
4. LodgingRevs Audit should provide a monthly audit of its activities as it does for the City of Newport. This would include the addresses of all known unlicensed STRs and the addresses for alleged STRs investigated but determined not to be operating as an STR. Also included should be the number and type of violations and the disposition. The Audit should be made publicly available.
5. The County should publish its STR Policies.
6. Appoint a Short Term Rental Ordinance Work Group modeled after Newport. Newport. See the City of Newport Resolution No. 3857 "Establishing a Short-Term Rental Ordinance Implementation Work Group".  
[https://www.co.lincoln.or.us/sites/default/files/fileattachments/board\\_of\\_commissioners/page/6159/newport\\_resolution\\_no.3857\\_implementation\\_work\\_group.pdf](https://www.co.lincoln.or.us/sites/default/files/fileattachments/board_of_commissioners/page/6159/newport_resolution_no.3857_implementation_work_group.pdf)

#### **C. TEN NUISANCES THAT RESULT IN STRIKES.**

1. The STR License Application must include a waiver to allow Lincoln County to enter premises to

inspect for violations such as occupancy. The Application should include a waiver that allows the Neighborhood Reporter to take a statement from the renter. If the renter is not available, the Neighborhood Reporter's statement will be deemed true unless refuted by other evidence.

2. Existing nuisances include garbage, illegal parking, overoccupancy, and noise. Nuisances should be added for dogs, lights, violating the posted speed limit, trespassing and operating without prescribed signage. **(DISCUSSION:** Parking, noise, speeding, and loose dog are violations of the current County Code. We urge the County to define and enforce these problems as civil violations, not criminal Code violations, because the Sheriff's Office's policy is to achieve compliance, not issue citations or enforce violation, as we have both been told and have witnessed. Deputies tell us that they are only expected to achieve compliance, not to cite offenders.

3. The County is urged to explain clearly what the elements of, or what constitutes, compliance or noncompliance. Failure to comply with any of the listed elements should result in a separate violation and, if substantiated, a strike. For instance, if the garbage is observed to be in an (a) undersized bin that is unsecured (by a strap), (2) undersized per licensed occupancy, and (3) not enclosed in a corral would be three separate allegations of violations.

4. Non-nuisance violations should include operating without a license. Operating without a license should result in a significant fine and the loss of the privilege of being licensed in Lincoln County.

5. Violations of the nuisances listed in Paragraph 2, above, should be a Strike if the reported allegation is substantiated, to include:

1. Garbage:<sup>22</sup>

(a) All garbage must be secured in a North Lincoln County Sanitary bin. Bin should be strapped with nothing sticking out.

(b) The garbage bin(s) must be sized as recommended by North Lincoln County Sanitary, based on the maximum licensed occupancy.<sup>23</sup>

(c) The garbage bin(s) must be securely enclosed in a corral and the lid securely strapped to prevent them from falling over, even if nothing spills out.

(d) A corral should be attractively and securely constructed, with a lid.

(e) Valet service should be provided to ensure empty bins are properly returned to the secure enclosure.

2. Parking:<sup>24</sup>

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<sup>22</sup> Although an overflowing or spilled garbage bin is unsightly, it also poses human health risks. Mismanaged garbage undermines vector control. Garbage is an excellent food source for rodents and flies. Raccoons, birds, and coyotes have been observed going through residential garbage in Lincoln County. Vector control Management of garbage is straightforward: Properly-sized and secure bins that are protected from vermin, preferably stored in a garage until collected. [http://publichealth.lacounty.gov/eh/docs/Specialized/Vector\\_Management/attractRatsMice.pdf](http://publichealth.lacounty.gov/eh/docs/Specialized/Vector_Management/attractRatsMice.pdf)

<sup>23</sup> North Lincoln Sanitary has 3 garbage bin sizes: 32 gal (1-2 people), 64 gal (3-4 people), and 96 gal (families of 5 or more <http://www.northlincolnsanitary.com/Garbage/ResidentialVesselSizes>

<sup>24</sup> "'Parking Space' means an off-street enclosed or unenclosed surfaced area of not less 20 feet by eight feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile, connected

(a) Allowed "Vehicles" means an automobile or an SUV. Vehicles that are not allowed included a boat, trailer, RV, camper, truck, or motorcycle.

(b) Prohibit off street parking for vehicles of STR renters' and their guests . This includes vehicles that are not allowed, such as a vehicles, whether allowed or not allowed on-site such as a boat, trailer, RV, camper, truck, or motorcycle. This does not apply to resident neighbors and their guests.

(c) On-site parking required for the number of licensed bedrooms must be provided.

(d) Prohibit any more on-site parking space than are licensed

(e) Under no circumstances shall parking be allowed over the septic drain field.

(f) For the purposes of STRs, "parking" is not required to be illegal under the criminal Code. [DISCUSSION: When a request is made to the County Sheriff to respond to an allegation of a Code violation the Deputy, the Deputy does not cite the owner or renter if the renter moves the car. For our proposed "3 Strikes" to work, the Deputy must issue a citation if it is a Code violation. If this is contrary to the Sheriff's Department "Compliance First" policy, then the Deputy should document the violation for the Neighborhood Responder or the STR Program Manager.]

3. Overoccupancy:

(a) ) Licensed occupancy shall apply 24/7, without exception.

4. Noise: See paragraph III.C.9.

5. Dogs:

(a) Shall be vaccinated against rabies and a copy of the certificate provided to the Property Manager.

(b) No dog shall be left unsupervised either inside the dwelling or a fenced yard.

(c) Dogs must be leashed when off the property boundaries and poop scooped.

6. Lights:

(a) Use lower wattage outdoor bulbs with a shield which would contain the light where it is needed and not shine into the eyes of pedestrians.

(b) Choose to use movement sensitive lights rather than lights that stay lit when not needed. Several cost-effective, easy to install motion detector light options are on the market.

7. Trespassing:

(a) Renters shall not enter another's property without permission other than to ask for emergency assistance. [Wayne: The Sheriff requires that property be fenced for criminal trespassing. Neighborhoods do not want to have to fence their properties or pepper their properties with No Trespassing Signs in order to substantiate a trespassing violation under the STR Code.

8. Speeding:

(a) Speeding shall be prohibited in a Neighborhood with posted speed limits.

9. Hot tubs:<sup>25</sup>

(a) Require a minimum setback, for example 20 feet, from the property line to accommodate a spa/hot tub and require enclosure on at least three sides.

(b) For public safety, require a readily available automatic self-closing mechanism to safely and quietly close the cover.

(c) For public health, require licensing and inspections as required by hot tubs/spas located in hotels and motels. At an STR, use is not limited to owners, their families, and friends. The use is public, not private.

10. Operating without prescribed signage

**D. RETALIATION PROHIBITED.**

1. Substantiation of an allegation of Retaliation by an owner or property manager against a neighbor for legitimately reporting a violation shall be counted as a strike. [DISCUSSION: STR owners and property managers have falsely asserted that Neighborhood Responders report violations that they knew were not true to retaliate against owners. The public comments submitted by STR owners and Property owners claim, but do not document, that Neighborhood Reporters report in bad faith. As the Sheriff's Program Manager has testified, no strikes have been issued since the STR Code was enacted. She did not say it was because the alleged violations were unsubstantiated. She explained that under the Sheriff's "Compliance First" policy, if a violation can be mitigated ("compliance achieved"), it is not a Strike.<sup>26</sup> This is not what Ordinance 487 says. Ordinance 487 offers Mediation, but the email threads of complaints in the Public Comments show it has rarely been offered. Compliance, not enforcement, is the Sheriff's Department's stated goal even when a substantiated violation is brought to its attention.]

In contrast, Neighborhood Reporters have submitted public comments describing actions taken against them by named and unnamed STR owners and property managers. From 2019 until the present, Neighborhood Reporters of violations have been harassed, slandered, and threatened with lawsuits by nonresident STR owners.

Recently, we learned from reading a letter submitted by a nonresident STR owner as Public Input in this matter, that her property manager had smeared a Neighborhood Reporter to a nonresident STR owner, resulting in the owner publishing the slander as Public Comment in this process.

In 2020, attorneys representing property managers issued a Cease & Desist letters and allegedly attempted to obtain a Restraining Order against Neighborhood Reporters attempting to enforce the STR Code in their neighborhoods.<sup>27</sup>

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<sup>25</sup> These regulations would also reduce noise that can be heard in neighbors' houses.

<sup>26</sup> Recordkeeping needs to be improved. Not all reports of violations are logged. No record is kept of the resolution of violations that are reported. If the County had, it would be clear that almost all violations are substantiated and cleared as "compliance achieved" unless the neighbor reports otherwise. Yet, no Strike is called.

<sup>27</sup> A SLAPP lawsuit is intended to "censor, intimidate, and silence critics by burdening them with the cost of a legal defense

In February 2021, the Board of a local HOA and the members of the STR Task Force appointed by the Board were threatened individually with lawsuits and issued Cease and Desist letters by the attorney of a nonresident HOA Homeowner. Members of 15 neighborhoods have also been smeared by nonresident STR homeowners who contacted local news media with untrue allegations that the news media refused to print after investigating.

These instances have been documented either by submission to Public Comment, in discussions, by email with the STR Program Manager, on occasion to the Board, County Counsel, and the County Sheriff. It is the Neighborhood Respondents following the requirements of Ordinance 487/509 who need protection from retaliation, not the STR owners and property managers.

#### E. FINES AGAINST PROPERTY MANAGERS.

1. The property manager shall be assessed a fine for each strike at a specific STR as follows: 1st strike \$1000, 2nd strike \$2000, 3rd Strike \$3000 and the amount of the fine assessed and the names of the property managers shall be posted on the County's website. **[DISCUSSION:** While cities are employing technology to crack down on illegal rentals, they're also creating penalties with teeth. In Miami Beach, for example, Operators are charged a fine of \$20,000 on the first violation of the short-term rental code. Each subsequent fine increases by another \$20,000 and can go as high as \$100,000.]

#### F. CIVIL ADMINISTRATION.

1. Relocate the Short Term Rental Program from the County's Sheriff's Department to a County Department that oversees and enforces a Business Licensing Program, perhaps such as the Health Department. **[WAYNE:** In Oregon, **Tourist Facilities** (lodging) fall under the jurisdiction of the Oregon Health Department OAR Chapter 333.<sup>28</sup> In Lincoln County, is the delegation of authority from the State Health Department to the County Health Department or to the County Sheriff?<sup>29</sup>]

OAR Chapter 333 are the rules for Tourist Facilities, such as Travelers Accommodations, overseen by the State Health as further delegated.

OAR 333-029-0015(9) defines **Tourist Facility** as "any traveler's accommodation, hostel, picnic park, recreation park, and organizational camp." A **Travelers' Accommodation** "includes any establishment, which is not a hostel, having rooms, apartments or sleeping facilities rented or kept for rent for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental or use of facilities." OAR 333-029-0015(1).

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until they abandon their criticism or opposition." A plaintiff does not expect to win. "The plaintiff's goals are accomplished if the defendant succumbs to fear, intimidation, mounting legal costs, or simple exhaustion and abandons the criticism."

[https://en.wikipedia.org/wiki/Strategic\\_lawsuit\\_against\\_public\\_participation\\_daw\\_suits\\_sd](https://en.wikipedia.org/wiki/Strategic_lawsuit_against_public_participation_daw_suits_sd)

<sup>27</sup> Several of these suggestions are found in the Pacific County, Washington STR Application.  
<https://www.co.pacific.wa.us/dcd/images/apps-forms/Vac%20Rental%20App%20Packet.pdf>

<sup>28</sup> [https://oregon.public.law/rules/oar\\_chapter\\_333\\_division\\_29?highlight=travelers+accommodation&hide=no](https://oregon.public.law/rules/oar_chapter_333_division_29?highlight=travelers+accommodation&hide=no)

<sup>29</sup> <https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=1244>

Although “short-term rental” is not defined in either the Oregon Revised Statutes (ORS) or the Oregon Administrative Rules (OAR), the model for overseeing the Tourist Facilities that would include Licensing, Pre-licensing Inspections, Routine Inspections, Assessment of Fines and License Revocations, could be adopted by the Lincoln County Short Term Rental Program.

#### **G. ANNUAL LICENSING AND RELICENSING.<sup>30</sup>**

1. Unless the Board ends licensing and relicensing, relicensing should remain an annual requirements.
2. The County shall provide a written Notice to Neighbors within 1000 feet of the STR property line when an STR license Application has been received and when an Application is approved.
3. The County shall accept Comments from the affected full-time residents within the 1000 feet zone and file them with the STRs records that are available on-line.
4. Owner provides proof of commercial insurance that includes coverage for damage to neighboring property.
5. Owner updates Local Contact within 7 days of any change.
6. Owner provides proof of adequately-sized and secure garbage receptacles.
7. Owner provides a Site Plan that shows lawful parking and confirmed septic as-built.
8. Owner acknowledges receipt and review of Good Neighbor Guidelines, where applicable.
9. The Good Neighbor Guidelines shall be included in the on-line listing, at booking, in the rental book at the STR, and conspicuously posted in the STR.
10. Owner shall consent on the behalf of the renters and themselves to violation-report-based inspections by the County to ensure compliance.
11. Owner certifies ADA compliance required for a public accommodation.
12. Owner must provide a Certificate of insurance (for both new and renewal applications) to establish that the owner has liability insurance which expressly covers the STR operations on the subject property in the amount of \$1,000,000 minimum limit for bodily injury and property damage.
13. Licensing Records, including the Application and attachments, inspection notes, email and snail mail correspondence, substantiated violations and resolution, should be maintained on-line and available to the public at least until the STR is no longer licensed. Neighborhood Responders’ names and contact information should be redacted.

#### **H. FEES.**

1. This Industry must not be subsidized by County taxpayers. Calculate a Licensing Fee that captures the County’s expenses. For instance, a public records request search fee is \$100 per hour. At a minimum, calculate the number of hours involved in processing all aspects of an application for licensing or

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<sup>30</sup> Several of these suggestions are found in the Pacific County, Washington STR Application.  
<https://www.co.pacific.wa.us/dcd/images/apps-forms/Vac%20Rental%20App%20Packet.pdf>

relicensing and charge the applicant \$100 per hour for administrative support and increasing for professional support services, for instance Inspections.

2. The Licensing Fee at least commensurate with the cost of a Conditional Use Permit of \$950.
3. The Licensing Fee should be adequate to cover the cost of the LodgingRevs Contract and the CSO. These are Direct Costs. Indirect costs related to infrastructure, neighborhood instability, and diminished long-term housing stock are more difficult to calculate. The Direct Costs are captured in the Licensing Fee and the Indirect Costs can continue to be borne by the County Taxpayer.
4. A change in the Local Contact requires a \$75 fee.

## I. EMERGENCY PREPAREDNESS

1. STRs are not regulated in the same way as hotels. No on-site managers are available for assistance.
2. Require the owner to inform and assist renters in the event of a natural disaster, power outage, or another emergency. Essential information would include (1) a tsunami evacuation map, (2) phone numbers and addresses for emergency responders and utility providers, and (3) other information established by BOC Resolution.
3. Require the owner to maintain a local landline for emergency notifications.
4. Require a Landline that is registered with Lincoln Alerts and that all renters are informed of the option of receiving Text Alerts to their mobile devices if they register.
5. Require emergency provisions (food, water, etc.) in accordance with the recommendations of the Lincoln County Emergency Planning.
6. Require the Property Manager to maintain a Guest Registry. The Registry shall include the name, home address, phone number(s) and photo identification of the primary tenant; the total number, names, and ages of occupants; the vehicle license plate numbers of all vehicles used by the tenants, and the date of the rental period. The information shall be provided to the emergency responders, city finance, and code compliance personnel when requested for enforcement or audit purposes.

Respectfully submitted,

15 Neighborhoods Steering Committee, comprised of individual residents from the following twenty neighborhoods:

Bayshore	Little Whale Cove	Sandpiper
Bella Beach	Longsden	Seagrove
Beverly Beach	Miroco	Seal Rock
Carmel Knolls	Newport	Surfland
Gleneden Beach	Otis	Tidewater
Lincoln Beach	Otter Rock	Unincorporated Yachats
Lincoln City: Roads End	Pacific Shores	A few housekeepers

## **ATTACHMENT A**

15neighborhoods  
PO Box 390  
Depoe Bay, Or 97341  
[www.15neighborhoods.com](http://www.15neighborhoods.com)

March 24, 2021

### **RE: Short Term Rental Code Amendment**

Dear Commissioners:

The declared purpose of Ordinance #487 was to allow the operation of STRs “... in a manner that respects and protects the livability of the neighborhoods in which they are located. . . .” and “...to provide for the peace, health, safety, and livability of residents of, and visitors to, Lincoln County.”

Ordinance #487 and its subsequent refinements (#490 and #509) did not anticipate the rapid growth of STRs and the consequent impact of too many transient renters in our residential neighborhoods, resulting in a serious degradation of livability, health, safety, and peace. Further, the lack of available workforce housing stock in Lincoln County in an area of high demand is stagnating economic growth. The proliferation of STRs in residential neighborhoods has now become an existential threat to our residential communities. The loss of community and all it implies is at the heart of the need to stop STR expansion in our residential communities.

When looking at best practices throughout Oregon and the nation with the goals of restoring neighborhood livability and maintaining a workforce housing stock, two main regulatory schemes emerge – each with different underpinnings. One is a Cap and Density scheme, and the other an Owner-occupied Primary Residence scheme. Here we will outline the broad components of each approach, highlighting what each approach must include to achieve the desired policy goals of ensuring that Short-Term Rentals operate “in a manner that respects and protects the livability of the neighborhoods in which they are located,” and reducing the loss of workforce housing.

The BOC apparently is mainly focusing on a regulatory scheme that relies on caps and density requirements. This memo identifies necessary components of a Cap and Density Scheme, but also looks at an alternative best-practice adopted elsewhere in Oregon that has achieved significant positive results while reducing and minimizing neighborhood disruptions: an “owner-residency requirement” regulatory scheme. These regulatory schemes share common components (septic system standards, two-people per bedroom, adequate parking, enforcement, etc.) but the methods to achieve and maintain livability differ. Each will be addressed in turn.

We are not suggesting that such regulations need apply everywhere, just in low-density residential zones. Different standards and regulations would apply in zones designated for tourist and commercial businesses.

One very important court case applies to either method. The Oregon Supreme Court has already determined that a 5-year phase-in period for STR restrictions passes Constitutional muster in the face of a Takings Challenge. *See Cope v. City of Cannon Beach*, 115 Or App 11, 836 P2d 775 (1992), *aff'd*

## CAP AND DENSITY REGULATORY SCHEME

When Lincoln County developed its business licensing scheme in 2016, it failed to limit the number or areas where Short-Term Rentals could operate. What began as about 90 Short-Term Rentals in unincorporated Lincoln County grew to about 566 as of the start of the licensing freeze in March, 2020, more than a six-fold increase in 3 ½ years. This alarming rate can be expected to continue without a cap on growth.

County Counsel Belmont's Memo to the Board on May 29, 2019 noted that the 518 licensed STRs on that date represented 3.9% of the total housing stock in unincorporated Lincoln County, but are densely located within our coastal residential neighborhoods. Thus, communities like Gleneden and Bella Beach consist of 40% STRs. In the Bayshore area, STRs are the equivalent of six Alsi Resorts, the approved motel in the Bayshore planned community. A community like Bayshore lacks the infrastructure to absorb the 2,000 extra people who may be staying in STRs on any given day.

To successfully achieve the desired policy objectives, a Cap and Density Regulatory scheme must consist of the following:

- An overall cap of the number of Short-Term Rentals in any given neighborhood. Consensus seems to be growing that in low-housing-stock, high-workforce-demand areas such as Lincoln County, the short-term rental cap should not exceed 1% of total housing stock.<sup>32</sup> This would require such a major reduction of STR numbers that license attrition alone would not achieve the desired number in a 5-year amortization period. Reaching this number would probably be achievable with use of density maps and a lottery system to select licenses allowed to continue past the 5-year amortization period. Other short-term rental housing could then revert to long-term housing or be sold. Until a cap is reached, no more STR licenses would be issued.
- During the 5-year amortization period, the County shall develop an STR map and hard cap on the number of permissible STR's in a community that takes into account overall density numbers.

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<sup>31</sup>Often cited by members of VIAOregon is *Yogman v. Parrott*, 142 Or. App. 544, 921 P.2d 1352 (1996), *aff'd* 937 P.2d 1019, 325 Or 358 (1997), a case that involves private HOA homeowners suing one another over the interpretation of a restrictive covenant. This opinion has no relevance on a governmental action to regulate STRs.

<sup>32</sup> John Hockenyo, Economist and Founder of TXP, posited at a VIAOregon Webinar in 2020 that, assuming Elected Officials did not want to change the character or economy of the community, the variables to consider are (1) low vacancy rate and (2) high demand for housing. He uses the 'nurse test' to determine whether housing is affordable. He assumes a nurse's salary is about \$45,000 and allocates about 1/3 for housing. Upon learning that the vacancy rate in unincorporated Lincoln County is 1%, he said 1% would be considered low anywhere.

Hockenyo explained that small communities have less leeway or room to maneuver. Greater care must be taken because even the smallest fumble could have unintended consequences, some irreparable. He usually suggests limiting the number of STRs to above .5-1% of the housing stock in communities where vacancy is low and demand is high. He the percentage of STRs in an area with low housing stock and a high workforce demand areas should not exceed 1%. This was confirmed by telephone in November 2020.

- In keeping with the notion of density limits to restore livability, no STR should be located within 250 feet of another, based on the perimeter of each lot.
- No caps would be applied in commercial or commercial-tourist areas. However, basic operational safeguards must still be in place, such as septic standards, adequate parking, and an occupancy maximum based on two-people per bedroom.

### OWNER-OCCUPIED REGULATORY SCHEME

An alternative regulatory method is suggested by Dan Kearns, attorney for the City of Hood River who negotiated the Livable Hood River Ordinance. It is basically to license STRs only for primary residences of owners. This concept has been successfully implemented in other Oregon communities. This scheme's basic prerequisite is that an STR license in a residential zone is issued only for a property that is the owner's primary residence. This eliminates outside-owned investment properties and multiple STRs with a single owner. Two types of STR would be authorized:

- A "home-share" rental where the owner resides in the home while a portion of the home is made available to short-term rentals. There would be no cap on the number of homes that can be used for short-term rentals as long as the owner resides in the home at the same time. There would be no limit on the number of rental days. Experience has shown that the presence of the owner eliminates the bulk of nuisance complaints. This is equivalent to a B&B without breakfast.
- A whole-home rental of the primary residence without the owner being present could be allowed, but limited to a maximum of thirty days per year. A resident could rent out their residence as an STR without being present, but with a strict time limit.
- A five-year phase-in would allow time for homes to be transitioned from non-resident-owned STRs to resident-owned-and-occupied STRs. Jurisdictions have created a hardship procedure whereby if a non-resident STR owner proves an inability to recoup certain investments within the five-year period, a limited extension can be allowed.

This method has been successfully implemented in various Oregon jurisdictions, such as the City of Hood River. The City of Hood River implemented this scheme in 2016. Experience there has shown that outside investors sold their investment properties, property values did not drop, available housing for the workforce increased, and no litigation ensued.

### CONCLUSION

Both these schemes have the potential to restore our neighborhood livability. The Cap-and-Density Regulatory Scheme can achieve livable neighborhoods, but will require a greater focus on overall numbers and administrative staffs to achieve that goal than the owner-occupied resident scheme. Neighborhood maps have to be drawn that measure density and caps per neighborhood, and these numbers must be enforced. This scheme will not produce livable communities without a reduction in the overall numbers that cannot be accomplished by attrition alone. A limit on the number of STRs in our residential neighborhoods requires this Board to draw the line at a certain number, and to put a scheme in place to reach that number within a five-year period of time. The existing regulatory scheme is not working well and must not be perpetuated merely because of the difficulties inherent in

reducing those numbers.

At its heart, the Owner-occupied Short Term Rental Regulatory Scheme is based on a good neighbor notion. Experience has shown that short-term rental owners who live in the area where they rent have a vested interest in keeping that community livable, safe, healthy, and peaceful. Enforcement and nuisance complaints have been reduced in these communities. Operational requirements still exist, but enforcement of those requirements is simplified. The City of Hood River has benefited from this owner-occupied short-term rental scheme, with no loss of tourism dollars, no loss in housing values, an increased work-force housing stock, and the return to livable neighborhoods are a direct result of this scheme.

Both schemes require the continued freeze on STR licensing until this Board makes a decision on which scheme to adopt. If this Board wants more details on each scheme, we can provide that detail in the future.

Respectfully,  
Steering Committee  
15neighborhoods

# Public Input

Row 8

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<b>Name</b>	Monica Kirk
<b>Email</b>	monicakirk@mac.com
<b>Form Date Field</b>	04/02/21
<b>Topic</b>	Agenda Item
<b>Comments</b>	<p>No rural neighborhoods is one size fits all. We do not have the health and safety infrastructure that is so readily available in the cities. This fact alone should have raised questions about the wisdom of licensing mini-motels in a County of 45,000 people with one N-S highway and two W-E highways. There is no evidence that emergency preparedness was considered in the 2016 public meetings. But emergency preparedness and public health and safety must be given considerable weight now because four years later we have licensed the equivalent of a 1200 room hotel in unincorporated County. In 2019, the average STR had 2 bedrooms for a maximum occupancy of 8 people and parking for 3 vehicles. When all 600 STRs were full, unincorporated County had as many as 4,800 more people and 1,800 more cars. Double that on check in/check out days. According to an interview conducted in 2019 with an emergency responder, STRs had impacted emergency services. Both the call-outs and the response times had increased significantly from 2018-2019 because of STRs. Attached are criteria that should be considered when evaluating a Subarea's suitability. The Fire Districts should be consulted, if they haven't already. Thank you.</p> <p>Monica Kirk</p>
<b>Meeting Date</b>	04/07/21
<b>Subject</b>	STR Amendments: Emergency Preparedness

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boc BOC &lt;boc@co.lincoln.or.us&gt;

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**Fwd: Proposed Amendments, March 26**

1 message

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

Tue, Mar 30, 2021 at 5:04 PM

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

From: **Monica Kirk** <15neighborhoods@gmail.com>

Date: Tue, Mar 30, 2021 at 3:30 PM

Subject: Proposed Amendments, March 26

To: Hall Commissioner Claire Elizabeth &lt;cehall@co.lincoln.or.us&gt;, Hunt Commissioner Doug &lt;dhunt@co.lincoln.or.us&gt;, Jacobson Commissioner Kaety &lt;kjacobson@co.lincoln.or.us&gt;

Dear Commissioners,

Please disregard the Proposed STR, dated March 24, that I sent you via email last week. Some important changes, besides typos, need to be corrected and resulted in a revision.

Below is the revision, dated March 26, that was submitted to the Public Input via Smartsheet. I had hoped that Wayne would have found it more helpful than he did, based on his recommendations.

The Recommendations by the Office of Legal Counsel following 19+ months of effort was underwhelming.

The Comments we submitted are the most comprehensive of any submitted during any of the three workshops held so far (2010, 2020, 2021). We addressed each of the possible Code changes listed for the January 20 Workshop both then and in the attached. We paid particular attention to the Septic, Capacity Limits (sewer and septic), Caps, and "Three Strikes" compliance and enforcement both then and now. Specific Code Changes begin on page 5 of our Submittal. We added [Description] within the text rather than a footnote for points that we felt warranted context.

We understand Commissioner Hunt's caution about the difference between county and city authority. Our attorney has talked with Wayne about this within the last month. None of the specific suggestions in our Submittal raise amortization (land use) issues. It is the only problem Wayne told Dan about. If there is something else, please ask Wayne to explain it to your constituents (and not allow his legal opinion to be quoted on VIAOregon's webpage.

Our attorney offered to help Wayne draft the Recommendations. Wayne was 'enthusiastic' about this but never reached out. As you know, it is not uncommon to contract work to an attorney with specialized expertise when the County's or City's

Legal Office is busy with other matters, such as the fire or COVID. Dan's familiarity with the subject matter and his experience representing local officials and community groups appealed to us.

We endorsed, perhaps even suggested, caps. However, suppose the Goal is to increase available workforce housing stock. In that case, attrition alone may not accomplish this, at least not before housing becomes so expensive no one will be able to afford to live in unincorporated Lincoln County. "Attrition" has to be natural and not due to a septic failure for you to gauge how long it will take. [Yesterday, 559 STRs were licensed, down from 601 pre-Moratorium.]

To achieve attrition, the Board considers redefining an STR as the "primary residence of an owner" and distinguishing between the Home Share and the Whole House STRs. This is the Owner Occupied or Resident Owner Model. This Model preserves housing for Lincoln County residents. It may keep housing more affordable. Former Hood River Councilor Arthur Babitz was on the Council when Hood River decided to 'phase-in' this model. Tina Lassen, the Director of the grassroots group Livable Hood River, talked with Commissioner Babitz, who, as you know, is now a Hood River County Commissioner. He will share his perspectives as an elected official with both city and county experience. We have not spoken with Mr. Babitz and do not know his views. Tina told us the County of Hood River was reviewing its STR regulations.

Besides preserving housing, the Owner Occupied or Resident Owner model will reduce the problems with "compliance and enforcement" that Wayne's recommendations do nothing to address. Tina Lassen told us that once the STR was the owner's primary residence, the relationships between the Owner-Occupiers or Resident Owners and the neighbors changed. The neighborhood felt right again. The elusive Goal of resolution at the neighbor-local contact level is achieved. It is about respect, relationship, and a shared Goal. Neighbors and STR Owners in Lincoln County do not have a shared Goal.

According to our attorney, the Owner Occupied/Resident Owner does not have to be phased-in. It can be overlaid with caps to provide an additional criterion for consideration along with spacing, density, caps, and emergency preparedness concerns.

Finally, on a very personal note, I don't feel safe or at home here anymore. I feel that no matter how diligent I am or how much I strive to work collaboratively with my leaders, I am viewed as just another gullible 70+ year old woman who believes good governance improves lives. Only elected officials can help people who stay out of trouble and just want to have enough money to buy a starter house and raise a family in a neighborhood.

On the issue of STRs, your legal counsel is doing you, and your constituents, a disservice. Lincoln County is a community, not a commodity.

Respectfully,  
Monica Kirk



Virus-free. [www.avast.com](http://www.avast.com)



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**FINAL 15N submission March 26, 2021.pdf**  
590K



boc BOC &lt;boc@co.lincoln.or.us&gt;

**Fwd: STR**

1 message

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

Mon, Mar 29, 2021 at 4:18 PM

Public comment.



**Doug Hunt**  
Lincoln County Commissioner  
541-265-4100  
[dhunt@co.lincoln.or.us](mailto:dhunt@co.lincoln.or.us)

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

From: [rhonda.mare@yahoo.com](mailto:rhonda.mare@yahoo.com) <[rhonda.mare@yahoo.com](mailto:rhonda.mare@yahoo.com)>  
Date: Mon, Mar 29, 2021 at 10:42 AM  
Subject: STR  
To: [dhunt@co.lincoln.or.us](mailto:dhunt@co.lincoln.or.us) <[dhunt@co.lincoln.or.us](mailto:dhunt@co.lincoln.or.us)>

**Comment & your Neighborhood**

Bayshore on the beach west of and below Alsea Bridge -enter of Bayshore Drive -is being overrun be STRs, fueled by greedy realtors in Bayshore who buy vacant lots, build a house on it and have signs that when construction completed, is part of STR friendly Bayshore. We bought our home 21 years here when Bayshore was a true neighborhood owner occupied area named Bayshore Estate's. Now its called Bayshore Club.  
When human created some 60 years it was advertised as a residence for boat owners who received boat slips  
This is becoming a disaster. I have informed Claire Hall.  
Bayshore is not Bayshore Vacation STR Resort and must never be.  
Its headed in the direction of a permanent Miami Beach Spring Break in steriods.

Virus-free. [www.avast.com](http://www.avast.com)

# Public Input

Row 12

<b>Name</b>	Robbie Foster
<b>Email</b>	robbiefoster@msn.com
<b>Form Date Field</b>	04/01/21
<b>Topic</b>	Agenda Item
<b>Comments</b>	<p>My name is Robbie Foster and I own a vacation rental at 4201 NE East Devils Lake Rd. I purchased this property in 2014. Before purchasing this property, part of our due diligence, I called the country to make sure we could actually do what we were planning, and that was to make our house a vacation rental. They assured us they did not regulate in the unincorporated area and that we were free to move forward, even said they would love the fact that we were cleaning up the property and spending money locally for remodel, and so we purchased and spent a year and over \$100,000 on initial remodel - using local contractor and purchasing ALL our materials from both local Ace Hardwares. When the country decided to regulate the unincorporated area, I wrote a letter explaining our situation and our willingness to abide by the regulations. Even though they granted us a grandfathered exception, they still lowered our occupancy, which affected our rental price, but we did EVERYTHING they required. Then recently, they again lowered our occupancy because apparently our septic, even though the tank had recently been replaced wasn't large enough to accommodate our occupancy. They again lowered our occupancy. So, I asked what now they would require so I did the major septic upgrade - accommodating for this change and spent over \$20,000, with a local contractor (Salmon River) to install the upgrade needed. Still, my occupancy was lowered. Again it was tolerable because with my grandfather, I was still allowed 17. My point in all of this is to communicate that I've done everything asked and spent so much money to do so. We have over 3/4 acre and plenty of off street parking. We use a local property manager (Meredith Lodging) who make sure renters abide by rules. As far as I know, we've had no complaints from neighbors - even if we did Meredith would have taken care of it immediately. Our rental infuses a large amount of money into the community through renters and us. We have spent good faith money investing in a home in a community that assured me in the beginning we could set this up as a vacation rental and then continued to spend the money required to accommodate for the new regulations. I am asking you to consider this and consider to continue to grandfather, case by case, for VRD's that can abide by current regulations. This is our livelihood. Sincerely, Robbie Foster Laurel Haven VRD</p>
<b>Meeting Date</b>	04/07/21
<b>Subject</b>	Vacation Rentals

# Public Input

Row 3

<b>Name</b>	Robin Hochtritt
<b>Email</b>	robin.hochtritt@gmail.com
<b>Form Date Field</b>	04/04/21
<b>Topic</b>	Agenda Item
<b>Comments</b>	<p>I oppose STRs in neighborhoods in unincorporated Lincoln County. We do not have the infrastructure to support the permanent residents (your constituents), let alone 4,800 overnight guests that existing occupancy limits would allow, assuming there are 600 STRs. I looked at the Subarea map. It is almost a year old. How many STRs are there? This has 612. [Does the County even know how many licensed STRs are in unincorporated Lincoln County?] Making fact-based decisions is impossible with inaccurate data. Making fact-based decisions with the Subarea maps is impossible when there are no explanatory criteria. Nevertheless, I took the time to prepare general Recommendations and questions. Please consider the questions as you formulate your decisions. Number One Recommendation is Transparency. Get documents online and organized on a dedicated STR Website as Newport has done. Number Two Recommendation is a major criticism. This SmartSheet is inappropriate for this Project because there is nowhere to indicate where one's permanent residence is located. Sure, people can lie. But if the Board was intent on listening to the people who live here, staff could be directed to check names against tax records. If names are insufficient, then people should put their addresses. This criticism was made before the December 2020 Workshop. There was time to make a correction. Thank you. Robin Hochtritt Unincorporated Lincoln County</p>
<b>Meeting Date</b>	04/07/21
<b>Subject</b>	STR Amendments

Proposed STR Amendments  
Questions and Comments  
Robin Hochtritt  
April 4, 2021

The Lincoln County Board of Commissioners will be amending our STR business licensing program within the next few weeks. To achieve their intended Goals, the Commissioners should consider the following recommendations and questions.

A priority needs to be the website. ALL STR-related documents and policies should be located in the same place. Some documents, such as those submitted for the amendment, can be archived, but not removed from the website.

The program suffers from the lack of transparency. This breeds suspicion. Liberally post related documents on the website. Suggestions follow.

The Program suffers from the lack of written Policies. This promotes “silos” and lack of coordination among the Office of Legal Counsel, the Office of Sheriff, and the Planning Department, the Budget Office, and the Tax Office.

Reduce the search fee and the copy fee. Public Documents like compliance records or septic permits should be on-line. Until those are available on the website, waive the fees for the first five hours of search time and the first \$10 of copies. In the meantime, hire a Contractor who will get these documents on-line.

Specific recommendations:

1. Adopt an area cap to address neighborhood issues of nuisance and Limit STR to primary residences only
2. Limit an Owner to only one STR license.
3. Adopt the model of a Hosted Home Share (Resident Owners remains on-site).
4. Adopt the model of a Whole House Rental where a Resident does not stay at the STR.
5. Allow Hosted Home Share unrestricted days for annual rentals.
6. Restrict the number of days a Whole-Home can be rented annually.
7. Require a minimum rental period (to reduce the churn in the neighborhoods).
8. Limit STRs to primary residences only.
9. Revise parking (1 per bedroom) and occupancy restrictions (2 per bedroom, not sleeping area).
10. Adopt lower and more protective occupancy limits for Septic STRs, based on County Sanitarian’s recommendation.
11. Require an initial ESER and a periodic ESER thereafter, based on the County Sanitarian’s recommendation. The Report must be included in the relicensing application.

11. Require an Annual Maintenance Inspection and Certification to the County Sanitarian.

12. Add these nuisance violations to the existing four: Dogs (leashed, not left alone inside or outside), Outdoor Lightings (lower wattage with a shield, motion sensitive lights), Trespassing (defined as entering another's property without permission whether or not posted "No Trespassing"), Speeding (where posted on local access roads), Hot Tubs (minimum setback from property lines, enclosure on 3 sides, automatic self-closing mechanism to close top, licensing and inspections like hotels and motels)

13. Assess a significant and increasing fine on the Property Managers for failing to manage nuisances proactively. A fine is assessed even if a violation is mitigated. It should not have happened in the first place.

Make penalties meaningful. In Miami Beach, for example, operators are charged a fine of \$20,000 on the first violation of the short-term rental code. Each subsequent fine increases by another \$20,000 and can go as high as \$100,000. Since March 2016, Miami Beach has issued \$12.1 million in fines.

A license should be rescinded when the Owner

1. Fails to pay TRT
2. Operates or advertise without a license

The County needs to enhance its administrative capacity to manage the STR program. Like 311 other localities throughout the US, our County has contracted with third parties to do this for them. Does our Contractor sending out Notices of Violations to property owners, operate a bi-lingual hotlines for complaints about short-term rentals, and tracking Nuisance Violations? Are the Notice of Violations and Property Nuisance Violations on-line?

All agree that that unlicensed STRs should not be allowed to profit from their illegal operation. The rule of thumb is that the unlicensed STRs are about 30% more than the licensed ones. In unincorporated Lincoln County, this translates into about 200 unlicensed STRs.

Unincorporated Lincoln County's Contract with MuniRevs/LodgingRevs<sup>1</sup> has been in force for about a year. How many unlicensed STRs have been discovered? How many cease and desist letters have been issued? Of these, how many resulted in a violation for illegal operation? What was the penalty? Were they required to pay back TRT or reported to the State of Oregon and the IRS for failing to report Oregon income? When will this information be posted online?

If an allegation of illegal operation was unsubstantiated, what evidence was relied on? Was it more than the unsworn statement of the Owner?

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<sup>1</sup> Neighbors in Newport have been unhappy with the performance of MuniRevs/LodgingRevs. This Contractor was cheaper than Host Compliance, but Host Compliance has a better rating than MuniRevs/LodgingRevs. Going with the cheapest will require closer oversight by the County. I hope this is happening. The process lacks transparency so your constituent taxpayers do not.

I have heard that when neighbors report what they believe to be unlicensed STRs, their photos of a variety of license plates at the same dwelling over time are not acceptable evidence. Their offers of sworn witness statements are unacceptable. Deputies have cautioned Neighborhood Reporters about "entrapment" of violators.

How does our Contractor and the dedicated Community Service Officer (CSO) handle these Reports? Is the Reporting neighbor afforded the common courtesy of have their Report acknowledged, in writing, as received and kept apprised of the outcome? Is the Reporter told what the investigation involved and allowed to examine the documents relied upon in determining the allegation was unsubstantiated? Will the amended enforcement process enable the Reporter to dispute the Decision? Does the Neighbor learn what the investigation included and an opportunity to examine the documents the Contractor or the CSO relied upon in case the neighbor wants to dispute the Decision? Is the Neighbor allowed to report anonymously? Is the Reporter's identity undisclosed unless sworn testimony is needed, like in the Planning Department's Complaint Process? What is the consequence if a violation is substantiated? Is it a strike or not. If not, when not? What about recurring violations? Are the addresses of the unlicensed STRs posted on-line?

Is the Board kept up-to-date on the status of this \$30,000+ annual Contract? Before the County signs a Contract for a 2nd year, will an evaluation been performed? Will the evaluation be available on the website? Why isn't the Contract online? All Reports made to the Board should be posted on the STR website in addition to the BOC Meeting website.

There are around 311 localities that contract with third parties to address the lack of administrative capacity to manage STRs. We also need software that provides a publicly available record that is searchable of the licensed STRs and the unlicensed STRs investigated.<sup>2</sup>

Does our Contractor offer a module that provides "continued monitoring and support for the prosecution of illegal STRs? Third party contracts allow the County to address administrative capacity, but what if it doesn't meet our needs? Does the Sheriff issue monthly reports or audits? Are these posted on line?

**SUMMARY:** Just because I have written three pages of comments does not mean I endorse the siting of STRs in the neighborhoods of unincorporated County. STRs cannot be *safely* operated in unincorporated Lincoln County. The County failed controlling the wildfires, evacuating, and

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<sup>2</sup> These companies ferret out identifying rentals data — even though addresses and full hostnames are not generally provided in short-term rental listings. One of these largest is Host Compliance, which provides services for more than 120 cities and counties, including Fort Lauderdale, Los Angeles, Nashville, Oakland, and more.

Other companies that help cities with short-term rental compliance include LTAS Technologies, which has worked with cities such as Santa Fe, New Mexico, La Quinta, California, and STR Helper, which counts Moab, Minneapolis, and Palm Desert among its client cities.

cleanup after the wildfires. People are still unhoused months after the fires. The *unincorporated* County makes little money on this Industry because we do not have the tourist amenities that tourists *pay* to see. The cities make the money. They do not share with unincorporated County. Let the cities provide the lodging. The County's first responsibility is to its constituents and in this case, to the constituents in *unincorporated* County. How can you assume responsibility for 4,800 extra *overnight* guests, assuming 600 STRs and an average occupancy of eight persons (2 bedrooms?). This is the equivalent of 1,200 extra hotel rooms or the equivalent of 8 Hallmark Resorts. <sup>3</sup>

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<sup>3</sup> <https://www.dnatatravel.com.sa/v2/hotels/usa/oregon/newport/hallmark-resort-newport.html>

# Public Input

Row 10

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<b>Name</b>	Scott Pillar
<b>Email</b>	scott@greycoast.com
<b>Form Date Field</b>	04/01/21
<b>Topic</b>	Agenda Item
<b>Comments</b>	I feel the rationale for reducing the number of STR occupancy down to 2 people overnight per sleeping area is flawed. While the average house may indeed have a little over two in the household, the larger vacation homes are surrounded by other larger homes that, if occupied have more that 2.5 residents per home. Space limitations for the home and parking should be the way to determine the number of overnight guests. I am a supporter of two per queen king, one per full and twin bed.
<b>Meeting Date</b>	04/07/21
<b>Subject</b>	Limiting renters per room size

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boc BOC &lt;boc@co.lincoln.or.us&gt;

**Fwd:**

1 message

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

Wed, Mar 31, 2021 at 2:00 PM

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

From: **Douglas Hunt** <dhunt@co.lincoln.or.us>  
Date: Wed, Mar 31, 2021 at 12:40 PM  
Subject: Fwd:  
To: Casey Miller <clmiller@co.lincoln.or.us>

Public comment



**Doug Hunt**  
Lincoln County Commissioner  
541-265-4100  
[dhunt@co.lincoln.or.us](mailto:dhunt@co.lincoln.or.us)

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

From: **Steve Stroot** <sstroot1@gmail.com>  
Date: Wed, Mar 31, 2021 at 12:05 PM  
Subject:  
To: <kjacobson@co.lincoln.or.us>, <dhunt@co.lincoln.or.us>, <cehall@co.lincoln.or.us>

Commissioners:

A quick suggestion regarding STR regulations:

Require that any STR advertised and rented as "dog friendly" have a fenced yard. I have three STRs adjoining my property and all of them rent to guests with dogs on a regular basis. Unfortunately, NONE of these STRs have fenced yards so dogs at times run loose and have invaded my yard (and others) and have left their doggie "calling cards" on my lawn. Please ensure that any STR that welcomes dogs also provides a secure fenced area in which to contain those dogs.

One other comment:

It has been suggested that all STRs be required to have an inspection of their septic system. I find this to be a ridiculous regulation. If the number of guests in an STR is limited by regulation, there's no reason to require an expensive evaluation of the septic system. For instance... If Lincoln County determines that a particular home can accommodate 6 people, it's probably reasonable to assume that the septic system for that home can accommodate 6 people. It's an unnecessary burden on the property owner to have him/her prove that the system can accommodate 6 people. The only potential problem would be the occasional incidence wherein a STR is occupied by an excessive number of guests. But, the fact that the STR was rented to an overly large group would itself be a code violation that would subject the owner to punitive measures. But, it's unfair to require ALL STR owners to incur the expense of a septic evaluation because the evaluation would not prevent STRs from being overbooked. Only a regulation and punitive action taken against those who overbook a home would be effective in deterring such action. Lastly, if you require ALL STRs to undergo an expensive septic evaluation, you should also require ALL full-time homeowners to have the same evaluation to ensure that their septic systems are adequate. But, even then, full-time residents could over-tax their systems by having

4/5/2021

Co.lincoln.or.us Mail - Fwd:

excessive occupancy (parties, family reunions, etc.). So, the idea of forcing ALL STRs to pay for these evaluations is a waste of money and completely unnecessary and ineffective.

Thanks for your time.  
Steve Stroot

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