

Public Input

Row 21

Name	Andra Bobbitt
Email	andra.bobbitt@gmail.com
Form Date Field	04/05/21
Topic	Agenda Item
Comments	<p>Dear Commissioners. As a resident of the highest concentration of short-term vacation rentals, Zone 4, and a long serving member of the Lincoln County Planning Commission I feel I have some very valid opinions regarding this issue. We have owned our ocean view home for almost 30 years, not just any home, but one of the original Seal Rock residences built in 1897 overlooking Seal Rock State Park. Certainly not as long as some of my near neighbors who are the direct descendants of some of the other original homes but long enough to feel we are custodians of our little community. Our homes were built prior any land-use regulations however, when we purchased our home we certainly bought with the understanding we were now under Oregon land-use regulations. We now are in Rural-Residential zoning. Low-density, residential implies few homes that are residential in use with 'residential' the key term. No one who purchases a 'residential' home should expect to use that land for anything other than residential uses. Who could have predicted that mini-hotels could be allowed in such a zone? No one previously bought a home in a destination resort or commercial zone, we all bought homes to live in. The advent of short-term vacation rentals has skewed the land-use regulations completely. The idea of owning a second home and ability to make money with short-term rentals is being presented as a property right over the original intent of residential zoning. I strongly urge you in to consider this during your deliberations, that this should not be a right at all. These types of rentals should be reserved for appropriately zoned areas such as destination resorts where the land-use regulations are equipped to deal with that type of use. From the article in the 4/2/21 News-Times, the recommendations from Staff appear not to consider that short-term rentals are not an appropriate use in residential zones and go ahead with back-filling regulations to deal with some of the problems generated already by these mini-hotels. I feel this is the cart before the horse. There should be a moratorium on these units altogether until and unless there is a change in zoning. If there is an area rezoned to be a destination resort, hopefully that zone will have built in water, sewer, trash disposal and parking capacity to accommodate mini-hotels vs residential homes. I routinely witness dangerous parking/car access on Highway 101, overflowing garbage and the animals it attract, out of season fireworks, late night party noise and the increasing garbage on the beaches from the house groups leaving their trash. I've tried calling the rental agency (if I can find the sign) and have called the complaint line. In a residential setting I should be barbequing with my neighbor not cleaning up after the last party. I urge you to ban short-term rentals as they are not a property right, residential zoning implies a residential right. Thanks for your consideration, Andra Bobbitt 9580 NW Egret St. Seal Rock, OR 97376</p>

Meeting Date 04/07/21

Subject Short-term rentals



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

Public Comment on Lincoln County STR (Short-term rental) proposal

ashleykennedy.broker@grassrootsmessages.com

<ashleykennedy.broker@grassrootsmessages.com>

Reply-To: ashleykennedy.broker@gmail.com

To: kpeter@co.lincoln.or.us

Tue, Apr 6, 2021 at 12:21
PM

Dear Commissioners Hunt, Hall, and Jacobson: As a resident of Lincoln County and a business owner I cannot see how limiting property owners rights has any positive effect on this community. Tourism drives our economy, how can you look past how many jobs will be lost. Think about your local restaurants, shops, the local fishing community, property management companies, real estate commissions the list goes on and on. This decision would knee cap so many locals and everything WE have worked hard for. We are so lucky that we are able to live in such a wonderful place that people just want to come and enjoy what we get to enjoy everyday. As a Mother of small kids I can tell you that staying in a private home where you don't have to worry about telling your kids to hush on vacation as to not disrupt the neighbors in surrounding hotel rooms, being able to keep up on laundry while on vacation, being able to cook a meal if you want all of these things are why I only stay in private homes. If I was told that the community I was planning on visiting restricted or god forbid completely did away with this as an option I would not only find a new place to spend my money but I would be sure to spread the word to everyone I knew. It's embarrassing that we even have to worry about this and explain it to my clients who all have the same argument in favor of STR's. Stop letting a few angry neighbors influence and potentially effect the entire community. Stand up for what you know is right. This is bigger than that. Taking away property owners right is unconstitutional. Lastly, lift the moratorium. It's gone on long enough. Summer is coming and our economy is going to suffer for yet another year if you don't take action now. By restricting the number of short term rentals in the County, it is inevitable that jobs and revenue to the County will be severely impacted. What is Lincoln County's plan to replace these revenues? The trickle-down effect of eliminating or severely curtailing the availability of COVID-friendly short-term rental housing in this County is staggering. Particularly considering that STR owners spent \$3.8 Million in 2019 to improve County housing stock, most of which went directly to your constituents in the form of wages and local sales revenue, and to the County in the form of permit fees. Regards, Ashley Kennedy 104 SE Fair Wind Ct Depoe Bay OR 97341 ashleykennedy.broker@gmail.com

Public Input

Row 2

Name	Bernadette Williams
Email	bwnj2or@peak.org
Form Date Field	04/07/21
Topic	Agenda Item
Comments	<p>I support the 15 Neighborhoods proposed STR code changes submitted to the Board of Commissioners. I DO NOT SUPPORT ViaOregon's proposal. It is biased, reflecting only the financial impacts on owners. Their proposal provides little, if any, positive solutions to the problem of unregulated growth of STRs in unincorporated Lincoln County. We need livable communities that offer fair access to affordable housing. I am submitting a summary of my public comment tonight below for the record. "STRs are regulated under Chapter 4, "Business Regulation" of LC codes. A commercial business should not be allowed within residential areas of unincorporated Lincoln County. -So, if STRs cannot be phased out:</p> <ol style="list-style-type: none"> 1. CAPS: Their number and density MUST be reduced and capped to improve the livability for all. I support a 1% cap and the proposed Alternative #3 process for reducing the number of licensed STRs. Density within a subarea or HOA must also be considered in this decision. - Proposing NO CAPS is absurd. - The Owner-occupied model proposed by 15 Neighborhoods is another option that I support. 2. CODE VIOLATIONS & COMPLAINTS: Complaint process STEP 1 is unclear: . Define acceptable wait times to speak to a local contact who MUST RESIDE within Lincoln county. Being on hold is unacceptable. -Define what is acceptable written communication. EXPLAIN how a complainant should post notice at the STR location, which doesn't make sense when there's a contact to notify. -Define legal objective evidence for violations that occur out of sight of law enforcement. Photo? Video? The complainant should have a legal method to document a visible or audible violation. How do you document a possible unlicensed rental or a large daytime gathering? STEP 2: Require onsite visit by contact within 1 hr of complaint. A prompt response is really the key. - Contact should ALSO provide a response to the complainant- either resolved or not resolved. - Close the loop. A response like "well, they're checking out tomorrow" is unacceptable. - I support a hotline process as recommended by 15 Neighborhoods. Data is centralized. It documents date/time of the complaint, the contact's response, and it supports the STR owner. 3. THREE STRIKES RULE: I support this requirement for the licensee ONLY- not the complainant. No one wants to lose their license, so how do you manage these constant, repetitive issues (e.g.3-4 x/week) that are mostly due to the behavior of the rental guests? How do you enforce overoccupancy? How do you deal with an unresponsive contact? **This is why local contacts must be held to a 3 strikes rule as well. After 3 strikes, the STR owner must register another contact before the next rental guest. - Don't pass the buck. Hold the owners, the contact/management company and guests responsible. - Require HOA rules be posted within the STR unit. 4. Enforcement: Enforcement must be consistent and performed without retaliation. Any documented retaliation should be considered a strike. 5. I support the proposed occupancy limits,

the septic system evaluation/reporting and monitoring requirements to renew existing STR licenses. " Thank you for the opportunity to participate in this discussion.

Meeting Date 04/07/21

Subject Additional written public comment



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

Public Comment on Lincoln County STR (Short-term rental) proposal

bdtang@grassrootsmessages.com <bdtang@grassrootsmessages.com>

Tue, Apr 6, 2021 at 9:45 PM

Reply-To: bdtang@yahoo.com

To: kpeter@co.lincoln.or.us

Dear Commissioners Hunt, Hall, and Jacobson: We've been waiting for the county to open up the review for licenses since purchasing our home in November - indefinitely postponing license review is not the answer. Waldport and the surrounding areas depend on tourism. By restricting the number of short term rentals in the County, it is inevitable that jobs and revenue to the County will be severely impacted. What is Lincoln County's plan to replace these revenues? The trickle-down effect of eliminating or severely curtailing the availability of COVID-friendly short-term rental housing in this County is staggering. Particularly considering that STR owners spent \$3.8 Million in 2019 to improve County housing stock, most of which went directly to your constituents in the form of wages and local sales revenue, and to the County in the form of permit fees. Regards, Bieu Tang [5346 Southwest Pacific Coast Highway, Waldport, OR, USA](#)
bdtang@yahoo.com



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

Public Comment on Lincoln County STR (Short-term rental) proposal

constructivepro@grassrootsmessages.com <constructivepro@grassrootsmessages.com> Wed, Apr 7, 2021 at 12:57 PM
 Reply-To: constructivepro@gmail.com
 To: kpeter@co.lincoln.or.us

Dear Commissioners Hunt, Hall, and Jacobson: Dear Commissioners, I fully support the positions outlined by VIA Oregon. As an elected official, you have a duty to make decisions based on the will of your constituents. There are a few squeaky wheels within the community who are anti STR. I have been watching all that has transpired on this for well over a year. The vast majority of input has been in favor of VIA Oregon's positions, not 15 Neighborhoods. Furthermore, you cannot discriminate against a residential STR property without imposing the same occupancy and septic conditions on all other residential properties. Should you vote to violate property rights or discriminate in any way, I will fully support and contribute funding to a law suit to repeal the decision as well as a campaign to let Lincoln County constituents know you are not representing the county's interests. I encourage you to take a stand for property rights. You should be encouraging economic growth in Lincoln County, not stifling it. Thank you for considering this. Occupancy CURRENT OCCUPANCY is 3 per sleeping area, plus 2. Further, off-street parking of 1 space per sleeping area is required. Proposed occupancy: is 2 per sleeping area plus two additional daytime guests. • Avoid Familial Status Discrimination. Under the County's proposal, a family of four could rent a 250 square foot hotel room but not a 1,200 square foot one-bedroom home. The vast majority of visitors to Lincoln County are families. This is a violation of State and National Fair Housing Laws. Two per sleeping space plus two additional overnight occupants tracks with federal and state occupancy limits. • Keep existing homes at grandfathered occupancy. Counties must follow state law on grandfathered uses. The County can avoid exposure to liability and potential lawsuits by leaving existing occupancies in place, and only applying any changes to new licensees going forward. Septic Systems CURRENT: If no permit is on file, an ESER (Existing System Evaluation Report) must be completed and any recommended repairs completed within 60 days. Proposed change: All licensed properties must complete an ESER and will be shut down until recommended repairs are complete. Further, occupancy will be capped at the lesser of the "per bedroom" occupancy or the septic system size capacity, without any opportunity to cure or upgrade. The County will further require an annual pumping and inspection in years two and three, and a new ESER every fourth year. • VIA Oregon believes the County is overreaching and is requiring an onerous process that will be costly to Lincoln County taxpayers and not achieve any additional measurable results. If the County has legitimate health or safety concerns about occupancy and septic, this belongs in the zoning code and should apply to all residences, county-wide. To make enforcement equitable, any occupancy limit based on septic capacity should apply to all residential uses, not just STRs. If this is truly a health and safety issue, it belongs in the zoning code and should apply to everyone. • VIA Oregon believes Existing STRs should be exempt from this requirement. They have already addressed septic requirements during the licensing process. It is more likely that a STR will make immediate septic repairs if needed as they cannot host guests without a working septic system. Requirements for new licensees should contain the following: • VIA Oregon recommends any new standards should have a "phase-in" grace period, accounting for the backlog at County planning. For example, after an ESER is complete, the operator should have 60 days to apply for repairs or a new system with the County, and 60 days after approval to complete the repairs. • STRs should not be shut down just because a permit is sitting at County planning waiting for action. This is self-explanatory. • Alternatively, the septic standards should take effect one year from enactment, to allow owners to bring systems into compliance. Considering the County's "temporary pause" on STR licensing has lasted more than a year, a one-year phase in date is reasonable given County backlogs and the limited number of septic contractors. Three Strikes & Code Enforcement CURRENT: The licensing authority may revoke or suspend an STR following three verified complaints. Proposed: Not clear, other than (1) addressing complaints that aren't verified (or are addressed quickly); (2) imposing consequences for verified complaints; and (3) imposing consequences for repeated unfounded complaints. Proposed Change: Establish a process to determine if a violation of the STR code has occurred. This process will include an online complaint feature of the new STR software together with Code Enforcement to bring potential violations before a hearings officer, (not part of the circuit court system). This will provide appropriate due process to all parties involved. The hearings officer will determine whether a violation constitutes a strike. • VIA Oregon believes repeated complaints should be quickly and adequately addressed. The Sheriff's Department needs to increase Compliance Officer presence, particularly on evenings and weekends. The new law should establish neighbor mediation. Neighborhood mediators are prepared to get to the root of the issue, which is usually not about the occupants, but is about respect, communication, and feeling heard. Nonprofits such as Resolutions Northwest can assist in establishing and training local mediators to facilitate such a program. Such programs are common in any community and preserve law enforcement resources for actual threats, rather than nuisance and behavioral issues. The same mediation program would help with repeated, frivolous neighbor complaints. • Three Strikes rule. This should be an education campaign; the fact that no STRs have been shut down only means that owners and operators comply, not that the program is failing. VIA Oregon proposes parity in the "three strikes" rule however: that if a neighboring address makes 3 complaints that the licensing authority finds to be unfounded, that neighbor can be barred from making future complaints. Caps on Licenses CURRENT: The County's "temporary pause" (moratorium) of 90 days

on issuing new licenses has now been extended to 16 months. It is inconceivable that the County would impose restrictions such as these on any other licensed activities. Proposed change: The County is recommending the approval of one of the following alternatives: 1. No caps. 2. Create a total cap on STRs for the unincorporated area of Lincoln County. 3. Create a cap on STR licenses by neighborhood and by total licenses within the unincorporated County. 4. Create a cap per neighborhood with no overall County caps. All four recommendations allow existing STRs to operate until sold or transferred. Specific points by Policy Goal: • VIA Oregon urges the County to avoid a ghost-town of vacant homes: Current US census data shows approximately one-third of Lincoln County homes are not occupied full time: <https://www.census.gov/quickfacts/fact/table/lincolncountyoregon,US/PST045219> • Counsel Belmont's Memo of 5/29/19 suggests that STRs comprise 4% of unincorporated Lincoln County homes. Occupied homes are better for neighborhoods, the economy, and law enforcement. On the other hand, unoccupied and neglected homes attract crime and decrease neighborhood property values. • VIA Oregon believes there is no need for caps; no other County has done this as caps are an Urban and Suburban phenomenon. 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. • VIA Oregon concurs with 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. In order to avoid exposure to liability, the County must ensure that any changes to the STR ordinance protects those who have continuing rights to short-term rent their homes, including the right to transfer the license to another. By restricting the number of short term rentals in the County, it is inevitable that jobs and revenue to the County will be severely impacted. What is Lincoln County's plan to replace these revenues? The trickle-down effect of eliminating or severely curtailing the availability of COVID-friendly short-term rental housing in this County is staggering. Particularly considering that STR owners spent \$3.8 Million in 2019 to improve County housing stock, most of which went directly to your constituents in the form of wages and local sales revenue, and to the County in the form of permit fees. Regards, Caleb Beaudin 21700 Southwest Ribera Lane, West Linn, Oregon, USA constructivepro@gmail.com

Public Input

Row 23

Name	Chad Truemper
Email	chadtruemper@gmail.com
Form Date Field	04/05/21
Topic	Agenda Item
Comments	I have attached my letter for public comment and consideration by the Lincoln County board of commissioners at the 4/7 STR Workshop Part 2 as a PDF. Thank you.
Meeting Date	04/07/21
Subject	STR Workshop 2 - Feedback on Proposed Changes

Lincoln County Board of Commissioners:
RE: STR Workshop – Part Two 4/7/21

Occupancy

STR owners have already agreed to an occupancy reduction within the last two years. And many of us have voluntarily reduced occupancy even further. We continue to be willing to compromise, but unrealistic, unlawful, and unenforceable restrictions serve no purpose in this discussion.

- Avoid Familial Status Discrimination. Under the County's proposal, a family of four could rent a 250 square foot hotel room but not a 1,200 square foot one-bedroom home. The vast majority of visitors to Lincoln County are families. This type of discrimination is a violation of State and Federal Fair Housing Laws.
- If any proposed changes are approved. Previous licensed STRs occupancy limits should be grandfathered. Counties must follow state law on grandfathered uses. The County can avoid exposure to liability and potential lawsuits by leaving existing occupancies in place, and only applying any changes to new licensees going forward.
- Any proposed changes should also include an allowance for younger children that does not count towards the occupancy limit.

Septic Systems

This is an obvious attempt to further limit occupancy and place a discriminatory and punitive financial burden on STR owners. Either that, or proponents have a family members in the septic business. I don't know where this septic angle originated. Was it a circulated image on the 15 Neighborhoods website with a misleading or outright false back story? There has been zero evidence provided that STR homes are a bigger risk for environmental damage than any other home on a septic system.

- Before ANY proposed action can be recommended to this board. An independent study should be completed so that the board is able to make informed decisions based evidence and facts. Not fear and hearsay.
- If the County has legitimate, evidence-based, health or safety concerns about occupancy and septic, this belongs in the zoning code and should apply to all residences, county-wide. To make enforcement equitable, any occupancy limit based on septic capacity should apply to all residential uses, not just STRs.

Three Strikes & Code Enforcement

I was honestly confused by what is actually being proposed. But I think we can all agree that there needs to be common sense regulation that is supported by due process for resolution. A new system was

recently launched. What are the results for far? Is there a public-facing dashboard to review? Has the board of commissioners been presented with any evidence that the current system is not working or lacking?

- I also support a Neighborhood Mediation Program. I think the evidence will show that many of the STR complaints are filed by the same small group of individuals. These people have deputized themselves and patrol their neighborhoods looking for any STR infraction to report. Reading through the list of previous complaints, many are for the dimension of the mandatory contact signs in front of every STR property. These people are literally taking a tape measure to signs and calling in a complaint if the sign is off by an inch or two.
- These petty behaviors waste officer's time and dilute the real neighborhood issues that do happen from time-to-time and further fuels a divisive us-vs-them mentality. When did we stop being able to talk with a neighbor about an issue or concern before threatening them with calling the police.
- Lastly any reporting system needs to be equitable. No anonymous reports allowed. There is obviously a high incentive for a disgruntled neighbor to weaponize a complaint system to inflict financial harm on another neighbor they have a personal issue with.

Caps on Licenses

Any proposed caps on the number of STR licenses will only apply to future licenses.

- Oregon State Law that requires grandfathered and vested rights be protected. State law protects grandfathered uses and transfer of grandfathered uses in unincorporated counties. In order to avoid exposure to liability, the County must ensure that any changes to the STR ordinance protects those who have continuing rights to short-term rent their homes, including the right to transfer the license to another.
- I believe the county has already acted in bad faith. A 90 day moratorium turned 16 months is inconceivable. I'm not personally part of this group that has been held hostage for almost two years. But I see this as a gross abuse of power.
- There is no need for caps; no other County has done this as caps are an Urban and Suburban phenomenon. 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.
- Any cap on STRs will not appease opponents.

This has obviously been a difficult process over the past two years. I would encourage the commissioners to make rational decisions based on facts and evidence presented. And where there is a

lack of evidence, to not make assumption based on hyperbole and instead require that any issue of concern be properly and independently evaluated.

It's important to remember that you are just hearing from two sides of heated issue. Just as with most issues, most people in Lincoln County are somewhere in the middle. I would encourage you to resist validating the outlandish demands from the 15 Neighborhood group. If their ideas were at all popular, they would've had no problem collecting the signatures they need for their ballot initiative. This group will never be satisfied by any additional regulation passed by this Board. They said it themselves in their most recent 3/26 public statement. ***“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..”***

To continue to feed into their delusions will only be a disservice to all residents and visitors to Lincoln County. Sometimes it's better to tell people the truth instead of telling them what they want to hear. Progress and change can be uncomfortable, but accepting that tourism is vital and moving forward will ultimately benefit our community as a whole.

Sincerely,

Chad Truemper

Public Input

Row 3

Name	Debbie Davilla
Email	ddavilla@peak.org
Form Date Field	04/07/21
Topic	Agenda Item
Comments	<p>Dear Commissioners, I would like to ask the Commissioner's to consider flexibility in establishing limitations on vacation rentals in flood areas. There are properties located in flood zones that are only safe to occupy during the months of May to October (same as the limitation for recreational vehicles to be parked in flood risk areas). We and several other property Owner's have incurred huge expenses in repairing and maintaining these at risk properties, which can serve as temporary housing, but not permanent housing due to the flood risks. The road is not passable during flood events and there has been as much as 5' of water in our garage. Our property is usable during the late spring thru fall months, but is not safe for year round occupancy. Our property would make an ideal vacation rental along with the other 4 homes in the neighborhood who would like to have the option for income to offset the tremendous expenses to repair the annual flood damage. Thank you for your consideration in reviewing issues related to not being able to safely occupy homes year-round in flood zone areas. Rick & Debbie Davilla 4457 S Alta Drive Lincoln City, OR 97367 541-921-0119 Attached are flood damaged and repaired pictures of 4457 S. Alta Drive, Lincoln City</p>
Meeting Date	04/07/21
Subject	Vacation rentals in flood prone unincorporated areas



4457



©2015 -

01/28/2015



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

Public Comment on Lincoln County STR (Short-term rental) proposal

dylaninbend@grassrootsmessages.com <dylaninbend@grassrootsmessages.com>

Wed, Apr 7, 2021 at 10:34 AM

Reply-To: dylaninbend@gmail.com

To: kpeter@co.lincoln.or.us

Dear Commissioners Hunt, Hall, and Jacobson: I urge you to maintain reasonable restrictions for short term rentals (STR). For example -- the current occupancy of 3 per sleeping area, plus 2 is reasonable. Some larger short term rentals have rooms with multiple bunk beds for kids! Let property managers and owners set the occupancy limits and don't force a "one size fits all" approach. Many visitors like renting lodging with a kitchen or other "homey" amenities. Let these visitors find something that works for them, rather than a small, cramped hotel room with no features. Homes which are occupied are less likely to have problems, and when those homes are occupied, they bring visitors and REVENUE to the area. Thank you, Dylan Mason Frequent Newport Visitor and Property Owner By restricting the number of short term rentals in the County, it is inevitable that jobs and revenue to the County will be severely impacted. What is Lincoln County's plan to replace these revenues? The trickle-down effect of eliminating or severely curtailing the availability of COVID-friendly short-term rental housing in this County is staggering. Particularly considering that STR owners spent \$3.8 Million in 2019 to improve County housing stock, most of which went directly to your constituents in the form of wages and local sales revenue, and to the County in the form of permit fees. Regards, Dylan Mason [2734 Northwest Scandia Loop, Bend, OR, USA dylaninbend@gmail.com](mailto:dylaninbend@gmail.com)

Public Input

Row 25

Name	Darrell & Linda Fender
Email	ldf@colfax.com
Form Date Field	04/05/21
Topic	Agenda Item
Comments	<p>We have owned STRs in the Depoe Bay area for the last 11 years and will be impacted by these proposed changes. Our properties have public septic systems so would not be effected by your new rules, but we think it is very unfair to just ask STR's to comply when many private homes have just as many people who live in the home year around. If this is a health issue it should apply to all residences county wide. If the occupancy rates are changed it seems it should be what the state and federal occupancy limits are. Two per sleeping space plus two additional overnight occupants. This is what our homes have right now. We value our home and don't want it overrun with too many people. Most of our rentals are single family. Please consider keeping current homes at grandfathered occupancy. The current cap pause and the proposal to not be able to transfer our STR to another owner will be very detrimental to the value of our home. If we are not able to transfer our license it will be very hard to sell. Our homes are not for long term living. They are set up to be short term vacation spots. With values going down owners like us will appeal for a lower property tax value.</p>
Meeting Date	04/07/21
Subject	STR changes to regulations comments

Public Input

Row 5

Name	Gary Bradley
Email	ledger3@comcast.net
Form Date Field	04/07/21
Topic	Agenda Item
Comments	<p>Dear Lincoln County Commissioners, I am a property owner in Unincorporated Lincoln County just north of Seal Rock. My family has been enjoying the Oregon coast and helping support Lincoln County's economy for generations. We believe that placing unreasonable caps on vacation rental occupancy infringes on property owner's rights and makes it much more difficult and costly for families to enjoy the beauty and tranquility that the coast has to offer. My wife and I have 3 children and often when we come to the coast we like to invite Grandma or a favorite auntie to join us in enjoying the coast. The proposed cap of 2 people per "designated" sleeping area would mean that families such as ours would not be allowed to rent a home like ours. In fact, under the proposed new regulations, if we were to rent a home such as ours, we couldn't even bring all three of our children. I remember a time when Lincoln county used to be much more friendly and welcoming to visitors and recognized that tourism was a positive thing for all involved. Please don't lose sight of that. I believe that the current occupancy caps are much more reasonable than the proposed new extremely restrictive caps. Please welcome families to the Oregon coast and don't reduce occupancy limits beyond the current regulations. Thank you for your consideration!</p>
Meeting Date	04/07/21
Subject	Short Term Rentals

Public Input

Row 20

Name	gary weske
Email	g.weske@weske.com
Form Date Field	04/06/21
Topic	Agenda Item
Comments	data, facts, logic, and equal application of rules as they apply to ALL dwellings in Lincoln County should govern the the roll out of any new regulations. We cannot attend the 4/7/21 meeting but are attaching the Via Oregon position paper which we endorse. Marcia and Gary Weske
Meeting Date	04/07/21
Subject	Short Term Rentals

April 5, 2021

RE: Short Term Rentals in Unincorporated Lincoln County
Public Hearing, April 7, 2021

Dear Lincoln County Commissioners, County Counsel and County Staff

We are writing to add our input to the issues being considered at the STR Workshop on 4/7/21. We will not be able to attend the hearing but we have read and agree with the following point by point commentary drafted by Via Oregon on proposed changes to current STR licensing and regulation.

OCCUPANCY

CURRENT occupancy: 3 per sleeping area, plus 2. Further, off-street parking of 1 space per sleeping area is required.

PROPOSED occupancy: 2 per sleeping area plus two additional daytime guests.

VIA OREGON'S POSITION:

- Avoid Familial Status Discrimination. Under the County's proposal, a family of four could rent a 250 square foot hotel room but not a 1,200 square foot one-bedroom home. The vast majority of visitors to Lincoln County are families. This is a violation of State and National Fair Housing Laws. Two per sleeping space plus two additional overnight occupants tracks with federal and state occupancy limits.
- Keep existing homes at grandfathered occupancy. Counties must follow state law on grandfathered uses. The County can avoid exposure to liability and potential lawsuits by leaving existing occupancies in place, and only applying any changes to new licensees going forward.

SEPTIC SYSTEMS

CURRENT: If no permit is on file, an ESER (Existing System Evaluation Report) must be completed and any recommended repairs done within 60 days.

PROPOSED: All licensed properties must complete an ESER and will be shut down until recommended repairs are complete. Further, occupancy will be capped at the lesser of the "per bedroom" occupancy or the septic system size capacity, without any opportunity to cure or upgrade. The County will further require an annual pumping and inspection in years two and three, and a new ESER every fourth year.

VIA OREGON'S POSITION:

- The County is overreaching and is requiring an onerous process that will be costly to Lincoln County taxpayers and not achieve any additional measurable results. If the County has legitimate health or safety concerns about occupancy and septic, this belongs in the zoning code and should apply to all residences, county-wide. To make enforcement equitable, any occupancy limit based on septic capacity should apply to all residential uses, not just STRs. If this is truly a health and safety issue, it belongs in the zoning code and should apply to everyone.

- Existing STRs should be exempt from this requirement. They have already addressed septic requirements during the licensing process. It is more likely that a STR will make immediate septic repairs if needed as they cannot host guests without a working septic system.

Requirements for new licensees should contain the following:

- Any new standards should have a “phase-in” grace period, accounting for the backlog at County planning. For example, after an ESER is complete, the operator should have 60 days to apply for repairs or a new system with the County, and 60 days after approval to complete the repairs.
- STRs should not be shut down just because a permit is sitting at County planning waiting for action. This is self-explanatory.
- Alternatively, the septic standards should take effect one year from enactment, to allow owners to bring systems into compliance. Considering the County’s “temporary pause” on STR licensing has lasted more than a year, a one-year phase in date is reasonable given County backlogs and the limited number of septic contractors.

3 STRIKES & CODE ENFORCEMENT

CURRENT: The licensing authority may revoke or suspend an STR following three verified complaints.

PROPOSED: Establish a process to determine if a violation of the STR code has occurred. This process will include an online complaint feature of the new STR software together with Code Enforcement to bring potential violations before a hearings officer, (not part of the circuit court system). This will provide appropriate due process to all parties involved. The hearings officer will determine whether a violation constitutes a strike.

VIA OREGON'S POSITION

- Repeated complaints should be quickly and adequately addressed. The Sheriff’s Department needs to increase Compliance Officer presence, particularly on evenings and weekends. The new law should establish neighbor mediation. Neighborhood mediators are prepared to get to the root of the issue, which is usually not about the occupants, but is about respect, communication, and feeling heard. Nonprofits such as Resolutions Northwest can assist in establishing and training local mediators to facilitate such a program. Such programs are common in any community and preserve law enforcement resources for actual threats, rather than nuisance and behavioral issues. The same mediation program would help with repeated, frivolous neighbor complaints.
- Three Strikes rule. This should be an education campaign; the fact that no STRs have been shut down only means that owners and operators comply, not that the program is failing. VIA Oregon proposes parity in the “three strikes” rule however: that if a neighboring address makes 3 complaints that the licensing authority finds to be unfounded, that neighbor can be barred from making future complaints.

CAPS ON LICENSES

CURRENT: The County’s “temporary pause” (moratorium) of 90 days on issuing new licenses has now been extended to 16 months. It is inconceivable that the County would impose restrictions such as these on any other licensed activities.

PROPOSED: The County is recommending the approval of one of the following alternatives: 1. No caps. 2. Create a total cap on STRs for the unincorporated area of Lincoln County. 3. Create a cap on STR licences by map zones / sub areas and by total licenses within the unincorporated County. 4. Create a cap per neighborhood with no overall County caps. All four recommendations allow existing STRs to operate until sold or transferred.

VIA OREGONS' POSITION

- VIA Oregon urges the County to avoid a ghost-town of vacant homes: Current US census data shows approximately one-third of Lincoln County homes are not occupied full time:
- Counsel Belmont's Memo of 5/29/19 suggests that STRs comprise 4% of unincorporated Lincoln County homes. Occupied homes are better for neighborhoods, the economy, and law enforcement. On the other hand, unoccupied and neglected homes attract crime and decrease neighborhood property values.
- VIA Oregon believes there is no need for caps; no other County has done this as caps are an Urban and Suburban phenomenon. 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.
- VIA Oregon concurs with 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. In order to avoid exposure to liability, the County must ensure that any changes to the STR ordinance protects those who have continuing rights to short-term rent their homes, including the right to transfer the license to another.

Respectfully,

Marcia Weske and Gary Weske
4845 HWY 101 N., Yacahats



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

Public Comment on Lincoln County STR (Short-term rental) proposal

corevet@grassrootsmessages.com <corevet@grassrootsmessages.com>

Wed, Apr 7, 2021 at 10:14 AM

Reply-To: corevet@prodigy.net

To: kpeter@co.lincoln.or.us

Dear Commissioners Hunt, Hall, and Jacobson: I have owned my home in Bayshore for about 16 years now. The only way I was able to purchase my home and join the Bayshore community was with the additional income by STR. I have invested time and a great deal of money making improvements to the house. Some of the proposed measures would have a substantial financial impact to both the STR owners as well as the county. I strongly urge that if you do not restrict STR permits to only continue with the owner, and not the house. If I were to sell my house, the ability for a new owner not to have assurance of obtaining a STR permit would significantly reduce the value of every STR house in the county. That would also reduce the amount of property taxes the county could collect based on property value. I would also suggest that you think about the economic impact on employees and businesses within the county if some of these measures were to take place. I do understand that some STR properties have not been managed correctly and they should be held accountable for any negligence on their part. Perhaps it's possible to pull permits from home owners that have repeatedly cause problems with no attempt to remedy the situation, rather than punish the STR owners that obey the rules and cooperate. I would also add that while I understand that some full time owners are upset about the activity in their neighborhood, I would also suggest that people buying into an area like Bayshore, knew that approximately only about half of the homes are occupied on a full time basis, and the other half are STR. Many of the STR owners have been here much longer than those voicing their concerns now. Thank you for your consideration in this matter and please consider the devastating financial impact this might take on existing STR owners. By restricting the number of short term rentals in the County, it is inevitable that jobs and revenue to the County will be severely impacted. What is Lincoln County's plan to replace these revenues? The trickle-down effect of eliminating or severely curtailing the availability of COVID-friendly short-term rental housing in this County is staggering. Particularly considering that STR owners spent \$3.8 Million in 2019 to improve County housing stock, most of which went directly to your constituents in the form of wages and local sales revenue, and to the County in the form of permit fees. Regards, Glen Cartwright [30 NW, Oceansia, Waldport, OR](#) corevet@prodigy.net

Public Input

Row 12

Name	GLEN CARTWRIGHT
Email	corevet@prodigy.net
Form Date Field	04/07/21
Topic	Agenda Item
Comments	<p>Dear Commissioners Hunt, Hall, and Jacobson: I have owned my home in Bayshore for about 16 years now. The only way I was able to purchase my home and join the Bayshore community was with the additional income by STR. I have invested time and a great deal of money making improvements to the house. Some of the proposed measures would have a substantial financial impact to bot the STR owners as well as the county. I strongly urge that if you do not restrict STR permits to only continue with the owner, and not the house. If I were to sell my house, the ability for a new owner not to have assurance of a obtaining a STR permit would significantly reduce the value of every STR house in the county. That would also reduce the amount of property taxes the county could collect based on property value. I would also suggest that you think about the economic impact on employees and businesses within the county if some of these measures were to take place. I do understand that some STR properties have not been managed correctly and they should be held accountable for any negligence on their part. Perhaps it's possible to pull permits from home owners that have repeatedly cause problems with no attempt to remedy the situation, rather than punish the STR owners that obey the rules and cooperate. I would also add that while I understand that some full time owners are upset about the activity in their neighborhood, I would also suggest that people buying into an area like Bayshore, knew that approximately only about half of the homes are occupied on a full time basis, and the other half are STR. Many of the STR owners have been here much longer than those voicing their concerns now. Thank you for your consideration in this matter and please consider the devastating financial impact this might take on existing STR owners. By restricting the number of short term rentals in the County, it is inevitable that jobs and revenue to the County will be severely impacted. What is Lincoln County's plan to replace these revenues? The trickle-down effect of eliminating or severely curtailing the availability of COVID-friendly short-term rental housing in this County is staggering. Particularly considering that STR owners spent \$3.8 Million in 2019 to improve County housing stock, most of which went directly to your constituents in the form of wages and local sales revenue, and to the County in the form of permit fees. Regards, Glen Cartwright 30 NW, Oceania, Waldport, OR corevet@prodigy.net</p>
Meeting Date	04/07/21
Subject	Short Term Rentals



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

Problem with proposed occupancy caps on STRs; proposed solution

Heather Brann <branns@earthlink.net>

Tue, Apr 6, 2021 at 3:04 PM

To: Claire Hall <cehall@co.lincoln.or.us>, Douglas Hunt <dhunt@co.lincoln.or.us>, Kaety Jacobson <kjacobson@co.lincoln.or.us>, Wayne Belmont <wbelmont@co.lincoln.or.us>

Cc: Kristi Peter <kpeter@co.lincoln.or.us>

Dear Commissioners Hall, Hunt and Jacobsen, and Counsel Belmont,

Problem: The proposed new STR occupancy cap would mechanically apply a “2 person per bedroom” standard, regardless of the square footage or lot size of a home. I have previously raised concerns that Counties are prohibited under state law from taking away grandfathered rights to the use of a home (and from selling a home with grandfathered rights intact). Apart from the grandfather rights issue, this letter questions whether the new code would drift into an area of familial status discrimination of civil rights law applicable to real estate sales and rentals, and STR’s (and Counties’) obligations to not discriminate against both multigenerational families and to not discriminate against unmarried persons.

Best solution: The County should update its zoning code to set uniform residential occupancy limits by square footage only.

Easier solution: The County should track state law governing occupancy size for residential tenancies, with grandfathered rights respected. Because 2 per bedroom was always meant as a floor, and not a ceiling, Occupancy should be set at the larger of 2 per bedroom or 1 person per 200 square feet, up to the existing cap of 16. Parking could continue to track the square footage-based occupancy (requiring 1 off street parking place per three people permitted, allowed, plus 1 parking place), which would ensure that larger homes with larger occupancies being reasonable also have a sufficient buffer from neighbors for the larger occupancy to be reasonable with respect to lot size. This standard would also be easier to enforce, as reference to square footage on file with the assessor’s office would control.

Background on Discrimination in Occupancy:

In 1977, the Supreme Court struck down a restrictive definition of “family” that prevented a multi-generational family from occupying the same dwelling unit. Familial status is a protected class in real estate rentals under federal fair housing law, and Oregon fair housing law also protects people from discrimination based on sexual orientation or marital status. See ORS 659A.421. In Oregon, a common zoning restriction on occupancy in single family dwellings is a “family” related by blood or marriage, plus no more than 5 unrelated persons, excluding servants. The obligation to not discriminate in real estate transactions is not limited to tenancies, but is broad enough to apply to short term rentals as well, consistent with other Oregon law interpreting short term rentals as being a residential use.

The “2 per bedroom” standard came about as a landlord industry “floor” after 1977 to provide a “non-family” based defense to a claim of familial status discrimination. In other words, a landlord could adopt this standard and claim that they weren’t ending a tenancy because the couple had a baby or an aged parent move in, they were ending the tenancy because the landlord only allowed 2 people per bedroom. The “standard” has always been optional and frankly, used as a pretext to avoid having to examine the reasonableness of a living situation, and to be able to cite a “standard” rather than admit that familial status discrimination was at play.

At the same time, the common code definition for single family sets zero occupancy restriction where families are concerned, but others living in common are not entitled to occupy even where the number of occupants is identical. This can then generate discrimination against unmarried persons and roommates, in violation of Oregon civil rights standards. Before the legalization of same-sex marriage, this differential had unfair discriminatory effect based on sexual orientation, as there was no “path” to acknowledge partners as “family” under the zoning codes. Even today, there is a tension between the obligation to not discriminate against families and the obligation to not discriminate against unmarried persons.

Present and Future Solutions to the Discrimination Standard:

To solve this problem, fair housing advocates as we speak are working to change the outdated definitions in zoning codes throughout Oregon and move to all residential occupancy standards to one based solely on square footage. (Who lives or travels with “servants”?) Lincoln County would be wise to do so as well. If applied equally to all residential uses, then a neighbor who calls about over occupancy can get relief, as the standard would apply to owner-parties and second homeowner over occupancy as well as long- and short-term renters who overoccupy. Everyone would have the same rules.

Current landlord-tenant code in Oregon acknowledges that a landlord **may** be acting in a discriminatory fashion by blindly apply the landlord industry's "2 per bedroom" standard. Under ORS 90.262(3):

"If adopted, an occupancy guideline for a dwelling unit shall not be more restrictive than two people per bedroom and **shall be reasonable. Reasonableness shall be determined on a case-by-case basis.** Factors to be considered in determining reasonableness include, but are not limited to:

(a) The size of the bedrooms;

(b) **The overall size of the dwelling unit; and**

(c) **Any discriminatory impact on those identified in ORS 659A.421 (Discrimination in selling, renting, or leasing real property prohibited).**

(emphasis added).* Moreover, "bedroom" is defined as containing a minimum of 70 square feet. Thus an alternate standard for large homes of 200 square feet per person is over 2 "bedrooms" worth of minimum bedroom space per person (i.e. if the space were chopped up to maximize bedrooms, 400 square feet would "fit" 5 bedrooms of the 70 square foot bedroom minimum). Allowing 2 people in a large space where 10 would be allowed in a "tiny but legal bedroom space" would be a fair and reasonable alternative measurement as applied to larger homes on larger lots.

Commonly, vacation rentals utilize over-built properties, i.e. residences with square footage far exceeding the needs of the average, 2-ish person household size of full-time residents in Lincoln County. If a house has 3000 square feet, with 3 bedrooms of 500 square feet, what is the fair occupancy for that home? Extrapolating from census data to support discriminatory occupancy standards is unfair, particularly when census data also teaches us that **fully one in three Lincoln County housing units is not occupied by a full-time residential household.**** It is only normal and natural that full time residents with a family of 2.5 people inhabit homes of 2000 square feet or less, and that homes of 2000 to 6000+ square feet are used to accommodate multiple generations—a family or friend group of 11-16 people—as a vacation rental. **I would respectfully request that you honor a decade-old legal and traditional use of "too large" homes throughout Lincoln County by continuing to observe grandfathered rights, and for allowing a reasonable larger occupancy to larger homes being currently used as short term rentals.**

I very much appreciate all of the work by Commissioners and by County Counsel on this issue. I also appreciate how eager the County is to put all of the issues around "reworking" the Short Term Rental Code in the rear view mirror. I am advocating this position because I believe that cutting occupancy of existing STR licensees is unfairly punitive—particularly where there are no complaints against the home. By adopting a fair and reasonable standard, the work is more likely to stay "done." If an unfair code is adopted, then these issues will continue to be disputed and the work incomplete.

Again, my thanks for considering this important issue from a different point of view,
Heather Brann

* Vacation rentals are not normally governed by landlord tenant code unless the occupancy exceeds 45 days or is not for vacation purposes. See ORS 90.110 (6) (vacation occupancy exempt) and ORS 90.100(50)(definition of vacation occupancy). Setting aside the grey area of persons staying over 45 days or for a temporary work assignment, ORS 659A.421 clearly applies to vacation rentals, as it is broad enough to cover any rental or lease of any dwelling unit, even if that rental is exempt from landlord-tenant laws. In addition, as a common-law residential lodging, vacation rental owners and operators may also be subject to nondiscrimination obligations found in the law governing places of public accommodation, just as hotels and motels are subject to nondiscrimination law.

** See census data screenshot, attached, showing data from the Census Bureau's "quick facts" for Lincoln County. With 31,945 "Housing Units" but only 21,298 "Households," it appears that 10,647 units of housing in Lincoln County are owned and used by other than full time residents (i.e., second home owners). Source is:

<https://www.census.gov/quickfacts/lincolncountyoregon>

Age and Sex	
Persons under 5 years, percent	4.1%
Persons under 18 years, percent	16.5%
Persons 65 years and over, percent	29.3%
Female persons, percent	51.7%
Race and Hispanic Origin	
White alone, percent	89.6%
Black or African American alone, percent (a)	0.9%
American Indian and Alaska Native alone, percent (a)	4.0%
Asian alone, percent (a)	1.4%
Native Hawaiian and Other Pacific Islander alone, percent (a)	0.2%
Two or More Races, percent	3.9%
Hispanic or Latino, percent (b)	9.5%
White alone, not Hispanic or Latino, percent	82.0%
Population Characteristics	
Veterans, 2015-2019	5,365
Foreign born persons, percent, 2015-2019	5.0%
Housing	
Housing units, July 1, 2019, (V2019)	31,945
Owner-occupied housing unit rate, 2015-2019	65.6%
Median value of owner-occupied housing units, 2015-2019	\$251,200
Median selected monthly owner costs -with a mortgage, 2015-2019	\$1,393
Median selected monthly owner costs -without a mortgage, 2015-2019	\$458
Median gross rent, 2015-2019	\$924
Building permits, 2019	333
Families & Living Arrangements	
Households, 2015-2019	21,298
Persons per household, 2015-2019	2.25
Living in same house 1 year ago, percent of persons age 1 year+, 2015-2019	83.5%
Language other than English spoken at home, percent of persons age 5 years+, 2015-2019	7.2%
Computer and Internet Use	
Households with a computer, percent, 2015-2019	90.4%
Households with a broadband Internet subscription, percent, 2015-2019	82.4%

Public Input

Row 1

Name	Heather Weaver
Email	orangepop@hotmail.com
Form Date Field	04/07/21
Topic	Agenda Item
Comments	<p>In reviewing the proposed STR changes, STRs are being singled out for application of several regulations that should apply to all types of homeowners if the rules are put in place. While I agree that STRs should have some regulations, the current regulations that are in place are sufficient. If occupancy and septic system requirements are applied as described, they need to apply to ALL homeowners including full-time residences and long-term rentals. Full time residents and long-term rentals should also be allowed only 2 people per sleeping area plus two additional daytime guests. ALL properties in unincorporated Lincoln County should complete an ESER and have a mechanism in place to ensure recommended repairs are complete. Occupancy for any property on a septic system should be capped at the lesser of the "per bedroom" occupancy or the septic system size capacity, without any opportunity to cure or upgrade. The County can further require an annual pumping and inspection in years two and three, and a new ESER every fourth year for ALL properties. When these requirements are also applied to full time residents and long-term rentals, they don't seem reasonable do they? Likewise they are not reasonable when singled out to apply to only STRs. It is unfair and inequitable to single out STRs for occupancy and septic system requirements and not apply to them to all properties in unincorporated Lincoln County. If STRs have to meet strict occupancy and septic regulations, the requirements need to be applied across the board, not in an arbitrary fashion to STRs only. Otherwise other types of owners are held to lower standards. Regarding the "Three Strikes" portion of the rule, this should also apply to those that make complaints against STRs. If someone makes three complaints that turn out to be unwarranted, that person should be banned from making any further complaints. Putting caps on the number of STRs allowed in Lincoln County is not reasonable. Many properties sit on the market for long periods of time with no local buyers. Often these properties are expensive and not the type of home the average citizen would buy. If there is a shortage of affordable/available housing, it is not because some properties are purchased as STRs. The county should explore and take action to build affordable housing for residents, however banning or limiting the number of STRs will have no impact on creating more opportunities for full time residents to buy houses. Most STR owners put a large amount of time and money into keeping up their properties - otherwise no one would want to rent them. If anything they add to the value of properties around them. There is no reason to cap licenses. Furthermore, active STR licenses should be transferrable upon sale of a property. Not allowing a transfer is a direct financial hit to the person who wants to sell their STR. Will the county subsidize STR owners with current licenses who cannot transfer them upon sale? This directly affects the value of the property and owners should be compensated for this take-away if the</p>

county does not let a license transfer. Do not cap the number of STRs or take away the ability to transfer a license upon sale of property.

Meeting Date 04/07/21

Subject STR Regulations

Public Input

Row 15

Name	James Kaldy
Email	zostera1@gmail.com
Form Date Field	04/06/21
Topic	Agenda Item
Comments	My comments on the STR proposals are in the attached word document. Thank You for the opportunity to comment on these proposals. Thank You James Kaldy Ph.D.
Meeting Date	04/07/21
Subject	Comments on STR proposal

James Kaldy, Ph.D.

South Beach, OR 97366

Comments in response to proposed changes in the Lincoln County Codes regarding STR's.

4/5/2021

Dear Lincoln County Commissioners:

Thank you for the opportunity to weigh in on these proposals. It is nice to see some actual suggestions being considered for Lincoln County. I have provided comments on this topic previously and will try to avoid re-hashing how vacation rental dwellings or Short Term Rentals (STR's) have impacted my neighborhood and sense of community. Before, I get to the proposals, there are a few points I would like to address from the last listening session. STRs are a commercial enterprise that are operating in residential neighborhoods and essentially represent a tourism industry niche. Commercial operations have no place in residential neighborhoods. They have a formal lobbying group that has presented many arguments to the BOC, many of them suggesting that this industry provides a massive revenue stream for the businesses and county. However, the data they use to make these claims are somewhat dubious. For example, at the last listening session, there were claims that 566 STR contribute \$27 million in revenue to restaurants. For that to be true, each unit in the county would need to generate \$47,000 annually in restaurant income alone. In my experience, most groups using STRs tend to cook and eat at the rental property. Further, there is no way 566 units, support over 3600 jobs in the county, to put this in perspective the Oyster aquaculture industry in Willapa Bay supports about 2000 jobs and brings in a hundred million dollars in revenue (<https://protectwillapabay.org/>). These are not the same. Furthermore, \$15/h is not really a "living wage" it works out to \$31,200 before taxes, after taxes its more like \$22,000 or less. Try living on that wage before telling me it's a living wage – I've done it and it sucks. Many of the other financial assertions made by the STR industry are also not backed up by data or the data are not made available to the public.

I still have not heard a compelling reason why my neighbors right to make money should be able to negatively impact my families quality of life. In fact, just two weeks ago (3/27/21) renters at an STR in my neighborhood shot off fireworks from the beach. Scared the hell out of me and my family and dogs while we were enjoying a fire in our fire pit in the back yard. Was not worth calling the Sheriff as they lit off 3 illegal fireworks that exploded at deck height for 8-10 people on the deck. If and or when the sheriff would have arrived there would be no evidence and solely the word of the renter's vs neighbors. I can only imagine how this sort of unanticipated fireworks could negatively impact a veteran with PTSD. Likewise, the increase in traffic in a neighborhood without sidewalks is incredibly disruptive and dangerous for pedestrians, dog walkers and kids on bikes. These are the activities that draw people to the neighborhood and

they are becoming dangerous as a result of the increased traffic. As Pogo said, “We have met the enemy and he is us...”

Again, I would like to thank the BOC for listening to constituent voices regarding the proposed changes to STR rules and code described in the memo from Wayne Belmont dated 3/29/2021 (https://www.co.lincoln.or.us/sites/default/files/fileattachments/board_of_commissioners/page/9251/str_memo_3.29.2021.pdf). I will address each suggested recommendation in turn.

Recommendation #1. Reduction in occupancy limits from 3 individuals per sleeping area to 2 individuals. I think that this is a good start and I support it; however, my concern is that many of these homes have divided up existing rooms to create more sleeping areas. We have many instances of people creating bedrooms out of garages or sub-dividing existing rooms into smaller sleeping areas in order to increase occupancy limits. This work can easily be done without pulling a planning permit. Further, this can lead to evacuation issues in the event of an emergency and/or septic issues (more on this later as it is recommendation #2). I fully support the restriction on “events”. Some of the most egregious violations in our subdivision have been during events where “guests” were camping on the front lawn with dozens of cars.

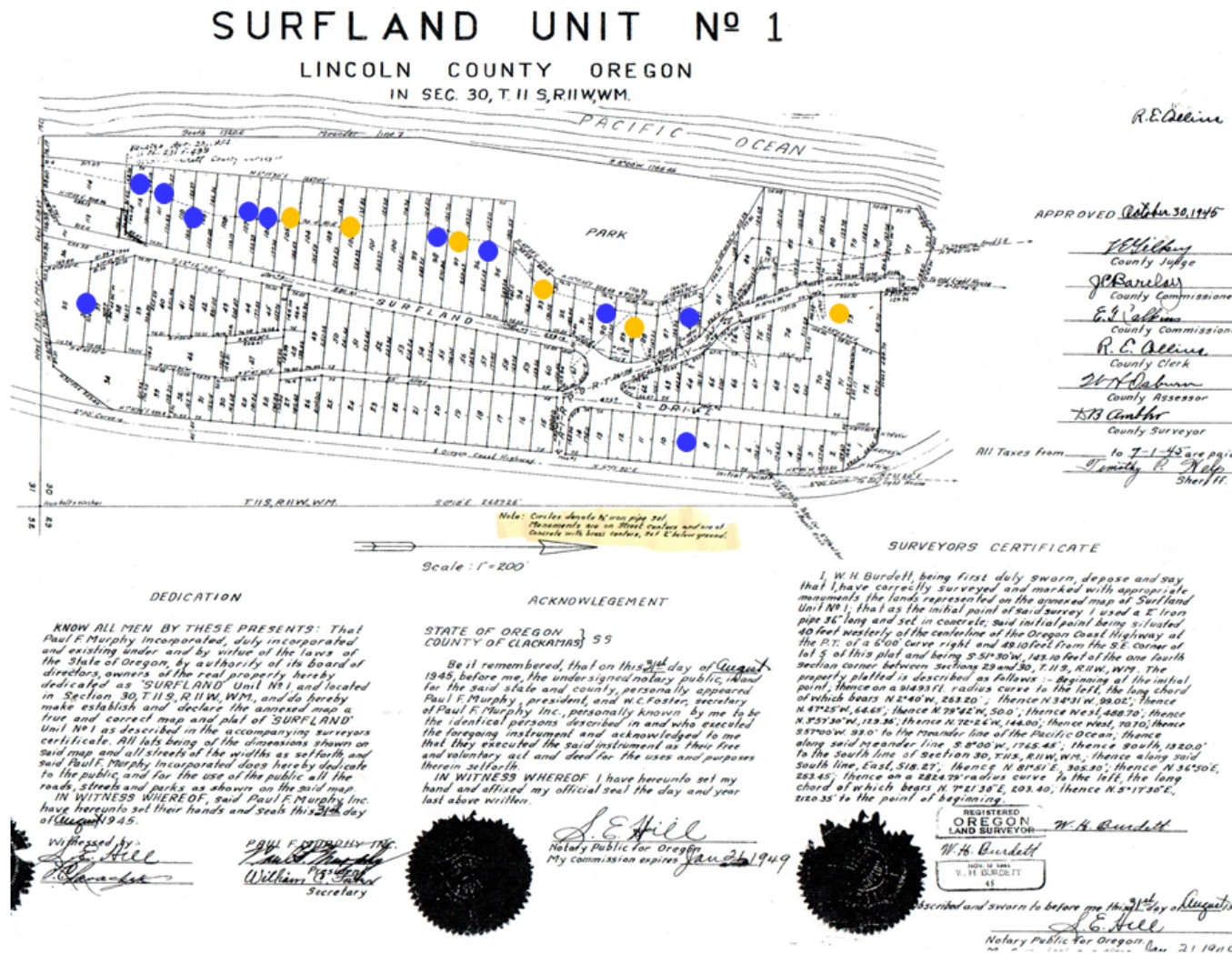
Recommendation #2. Septic Systems. This is a really important aspect of life in a rural county. The soils along the coast are very clay dominated and don’t drain very well, further many of the existing systems were not designed for increased loads associated with high occupancy. For example, a septic system for a 2 bedroom home (2.25 people) is designed to handle about 300 gallons per day. Six, 8 or 10 people can easily overwhelm such a system. Homes built before about 1973 were not subject to septic codes and may or may not have adequate drain fields to handle effluent. In some cases, owners have paved over drain fields in order to expand parking capacity or added “sleeping spaces” in garages or other areas to expand rental capacity. Overwhelmed septic systems are a health hazard to people and the environment. The total occupancy of the property should be dictated by the capacity of the septic system, regardless of other codes. I strongly support this. Further, following the ESER annual maintenance should be mandatory for as long as the STR is licensed regardless of what type of system is present. The increased loads associated with high occupancy coupled with low soil permeability indicate that vigilance is required. As noted in the memo, any sand filter or ATT is required to have annual maintenance.

Recommendation #3. Additional Code Enforcement. This is another really important aspect. Personally, I think that the existing notifications (within 250’ of a VRD) are way too limited. In neighborhoods such as mine, it is possible to have issues with STR occupants that are way outside the 250’ boundary. Having to go onto a property after an altercation in order to obtain a contact number is not really viable. As I mentioned at the beginning of these comments, that I did not call the sheriff in response to fireworks being set off. They set off just enough fireworks to piss off the neighbors but not sustained long enough to get caught by a police response and deputies have far better things to do that chase down rude jackasses who disturb the neighbors. I know at least 4 different neighbors who heard the fireworks and were alarmed. This would also be very helpful for dealing with other code violations such as above occupancy limits, and issues with un-responsive owners. Currently it is not clear who is responsive to issues. Are we to call

the sheriff, the property manager, the owner? Having dedicated enforcement, paid for by the regulated community would be a positive development. As was pointed out during the last listening session, the owners are generally good neighbors, the people they rent to are not always such good neighbors especially when they are paying top dollar and expect to be able to do whatever they want regardless of the rules.

Recommendation #4. Caps. I strongly support Alternative #3 – Cap with subarea caps. Surfland is a subdivision of 114 lots and has had at one point at least 17 properties with STR licenses. Attached is a plat map (Figure 1) showing the properties in the Surfland sub-division as well as active and previously active STR licenses. In my opinion the 11 active STR licenses is too many for a residential community. Especially in a community with a single egress to Highway 101 and narrow streets. These are businesses that are part of an industry and de facto conflict with residential uses. These businesses negatively impact the quality of life of residents. I will reiterate from above; I still have not heard a compelling reason why my neighbors right to make money should be able to negatively impact my family's quality of life. These lots are so small that the county planning office would never allow them to be platted at this density especially given the current septic codes. This pattern of most almost all ocean front properties being licensed as STRs is obvious and overwhelming as one drives south from Newport to Yachats.

Figure 1. Surfpland plat map showing individual properties and STR permits (active and historical).



- Active STR
- Past STR permit

Symbols spanning plat line denote that multiple lots are part of the STR permit.

Public Input

Row 4

Name	Jane Gibbons
Email	reekylee@gmail.com
Form Date Field	04/07/21
Topic	Agenda Item
Comments	<p>My husband and I have carefully read the changes that are being proposed for STR's in Lincoln County. With regards to STR licensing, we urge, plead, beg the county to choose the "No Caps" option. The moratorium has gone on way too long. It effects a great deal of people who are in compliance with all the proposed changes and have not been able to get a license. It cannot be considered a viable solution to do away with licensing if the outcome means people will lose their homes. We are in support of the "3 strikes you are out" idea as this provides a system for the county to correct the problems/complaints regarding people who are abusing the use of their houses as STR's. This would address the concerns that have been voiced with regards to septic, garbage, parking, noise level, and occupancy. We strongly encourage the Lincoln County commissioners to remove the cap on licensing and choose the 3 strikes solution. Jane Gibbons & Richard Cave 6821 NW Finisterre Street Yachats, OR</p>
Meeting Date	04/07/21
Subject	Short Term Rentals

Public Input

Row 13

Name	Jane thomason
Email	jane@thealternativepet.com
Form Date Field	04/06/21
Topic	Agenda Item
Comments	<p>Hello, We have a couple of thoughts regarding the STR issues. Thank you for exploring this to such a degree. Jane Thomason</p> <p>OVERVIEW People in this county that have beach access property want to utilize to the fullest extent and the vacation rental capacity is attractive for that - it increases the home value and ultimately property taxes. No one should ever expect a homeowner, who has a nice property near an asset like the ocean to be limited to long term renting only. What if we want to use the home part-time? If a resort area needs employee housing then they build and develop away from the premium property. They allow the homeowners to benefit from the location. Seven years ago this county was extremely depressed, now it is growing exponentially and those that purchased on the water or near are being rewarded. Homeowners also bear the brunt of paying very high property taxes that seem to fund a majority of operations in the County. We should be able to profit off of our homes in the STR legitimate way. And visitors can be a lot of fun and bring in lots of sales dollars to local businesses. It gives the area a pulse!</p> <p>SEPTIC First the septic system inspections and maintenance are literally only done by 1 company by region so this could get really backed up. Also they could jack prices considerably as they already have. Having a complete evaluation every 4 years means that they would come and pump the tank regardless of whether it needs it or not. Also new home purchases have been inspected and pumped so that should be good for something within a certain time period. I would think that long term rentals could pose the same problem. At least with STR a property management company would be checking post rental to make sure everything works. Toilets and sinks don't work if the septic is full. What about long-term rentals? There needs to be better language on this and some type of cap with the septic company pricing. Why not simply the initial evaluation and yearly maintenance inspection - much less expensive. No STR homeowner is going to willingly let their septic fail. It would make their property unrentable or usable.</p> <p>OCCUPANCY Understandable to have reduced occupancy but why not apply this to long term rentals and even owner occupancy. I see the same homes with tons of cars and a bunch of people crammed into one home. Not sure why it is required for an STR but no one else.</p> <p>COMPLAINTS Tightening the code and actually having enforcement officers respond immediately would solve all of the problems. Noise is noise but if no one ever comes to investigate then it goes on forever. Citing the property management company as well as the homeowner, not just the homeowner. The PM companies have detailed and strict agreements, deposits so if things are done expediently and with potential consequences to all then you might find there not much of an issue. Plus you want to get your code officer there while the PM can still extract damages from the tenants. Also concerns about bad neighbors creating false complaints to harass people that own the</p>

vacation rentals. Hope there is a catch for that as the county is full of these types of people. Quite frankly, it seems the vacation rentals on an average are well kept and attractive, in order to rent, but a lot of locals have junky yards with a rusted, broken down RV on every corner. Thank you.

Meeting Date 04/07/21

Subject STR rentals



boc BOC <boc@co.lincoln.or.us>

Comments on STR vacation rentals

1 message

jane@thealternativepet.com <jane@thealternativepet.com>
To: "boc@co.lincoln.or.us" <boc@co.lincoln.or.us>

Mon, Apr 5, 2021 at 6:17 PM

Hello,

We have a couple of thoughts regarding the STR issues. Thank you for exploring this to such a degree. Jane Thomason

OVERVIEW

People in this county that have beach access property want to utilize to the fullest extent and the vacation rental capacity is attractive for that - it increases the home value and ultimately property taxes. No one should ever expect a homeowner, who has a nice property near an asset like the ocean to be limited to long term renting only. What if we want to use the home part-time? If a resort area needs employee housing then they build and develop away from the premium property. They allow the homeowners to benefit from the location.

Seven years ago this county was extremely depressed, now it is growing exponentially and those that purchased on the water or near are being rewarded. Homeowners also bear the brunt of paying very high property taxes that seem to fund a majority of operations in the County. We should be able to profit off of our homes in the STR legitimate way. And visitors can be a lot of fun and bring in lots of sales dollars to local businesses. It gives the area a pulse!

SEPTIC

First the septic system inspections and maintenance are literally only done by 1 company by region so this could get really backed up. Also they could jack prices considerably as they already have. Having a complete evaluation every 4 years means that they would come and pump the tank regardless of whether it needs it or not. Also new home purchases have been inspected and pumped so that should be good for something within a certain time period. I would think that long term rentals could pose the same problem. At least with STR a property management company would be checking post rental to make sure everything works. Toilets and sinks don't work if the septic is full. What about long-term rentals?

There needs to be better language on this and some type of cap with the septic company pricing. Why not simply the initial evaluation and yearly maintenance inspection - much less expensive. No STR homeowner is going to willingly let their septic fail. It would make their property unrentable or usable.

OCCUPANCY

Understandable to have reduced occupancy but why not apply this to long term rentals and even owner occupancy. I see the same homes with tons of cars and a bunch of people crammed into one home. Not sure why it is required for an STR but no one else.

COMPLAINTS

Tightening the code and actually having enforcement officers respond immediately would solve all of the problems. Noise is noise but if no one ever comes to investigate then it goes on forever. Citing the property management company as well as the homeowner, not just the homeowner. The PM companies have detailed and strict agreements, deposits so if things are done expediently and with potential consequences to all then you might find there not much of an issue. Plus you want to get your code officer there while the PM can still extract damages from the tenants.

Also concerns about bad neighbors creating false complaints to harass people that own the vacation rentals. Hope there is a catch for that as the county is full of these types of people. Quite frankly, it seems the vacation rentals on an average are well kept and attractive, in order to rent, but a lot of locals have junky yards with a rusted, broken down RV on every corner.

Thank you.

Public Input

Row 24

Name	Jeff Hildreth
Email	hildrejeff@aol.com
Form Date Field	04/05/21
Topic	Agenda Item
Comments	<p>My wife and I live in Sandpiper Village and we support Alternative 4 in the section 4.420 Licenses. Our area has a very high density of SLRs and we need to limit the number of STRs in our area so that the total number of STRs decreases to a workable number. Using geographical subareas will address high density in one area while allowing growth in areas where there is room to have increases. The unincorporated areas of Lincoln County need management of the licenses allowed to stop uncontrolled growth of STRs in single family zoned areas.</p>
Meeting Date	04/07/21
Subject	Short Term Rentals

Public Input

Row 12

Name	Jeff McElhannon
Email	jmcelhannon085@gmail.com
Form Date Field	04/06/21
Topic	Agenda Item
Comments	<p>Dear Lincoln County Commissioners, I strongly urge the commissioners to place a cap of 1% of total housing stocks on STR's within unincorporated Lincoln County in commercial tourism zones. No new licenses should be issued until this cap is reached. No licenses should be renewed in R1, R1A zones, we need to return to respecting our zoning codes to protect our neighborhoods. STR's are BUSINESSES and should be allowed in commercial tourism zones only. In regards to more enforcement, I don't believe the reliance on full time residents to be defacto onsite management for STR businesses is a viable solution, nor should residents be put in this position. It puts residents at risk of retaliation by homeowners operating STR's. When someone buys a home in an R1, R1A neighborhood, they should have a reasonable expectation to the quiet, peaceful and safe enjoyment of their home and not be worried about policing STR's, as is expected of us now. STR businesses should be responsible for supplying their own enforcement to insure compliance with county regulations and laws. I believe requiring an STR to be the primary residence of the owner would resolve a lot of the enforcement and onsite management issues that we currently have. Our neighborhood of Bayshore has been especially overrun with STR's, as you can see on the county map, and we need your immediate help in reducing STR's here and preserving our HOA neighborhood. Thank you for your time and consideration in this matter. Jeff McElhannon Full time Bayshore resident and HOA member</p>
Meeting Date	04/07/21
Subject	STR's



boc BOC <boc@co.lincoln.or.us>

Fwd: STR's

1 message

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

Tue, Apr 6, 2021 at 4:22 PM

Public Comment

**Doug Hunt**
Lincoln County Commissioner
541-265-4100
dhunt@co.lincoln.or.us

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

From: **Jeff McElhannon** <jmcelhannon085@gmail.com>

Date: Tue, Apr 6, 2021 at 3:58 PM

Subject: STR's

To: Kaety Jacobson <kjacobson@co.lincoln.or.us>, Claire Hall <cehall@co.lincoln.or.us>, <dhunt@co.lincoln.or.us>

Dear Lincoln County Commissioners,

I strongly urge the commissioners to place a cap of 1% of total housing stocks on STR's within unincorporated Lincoln County in commercial tourism zones. No new licenses should be issued until this cap is reached. No licenses should be renewed in R1, R1A zones, we need to return to respecting our zoning codes to protect our neighborhoods. STR's are BUSINESSES and should be allowed in commercial tourism zones only.

In regards to more enforcement, I don't believe the reliance on full time residents to be defacto onsite management for STR businesses is a viable solution, nor should residents be put in this position. It puts residents at risk of retaliation by homeowners operating STR's. When someone buys a home in an R1, R1A neighborhood, they should have a reasonable expectation to the quiet, peaceful and safe enjoyment of their home and not be worried about policing STR's, as is expected of us now. STR businesses should be responsible for supplying their own enforcement to insure compliance with county regulations and laws. I believe requiring an STR to be the primary residence of the owner would resolve a lot of the enforcement and onsite management issues that we currently have.

Our neighborhood of Bayshore has been especially overrun with STR's, as you can see on the county map, and we need your immediate help in reducing STR's here and preserving our HOA neighborhood.

Thank you for your time and consideration in this matter.

Jeff McElhannon

Full time Bayshore resident and HOA member

Virus-free. www.avast.com

Public Input

Row 18

Name	Jim Peterson
Email	craigsellerusa@hotmail.com
Form Date Field	04/06/21
Topic	Agenda Item STR workshop
Comments	See attached letter
Meeting Date	04/07/21
Subject	Recommended STR licensing program changes

April 6, 2021

Dear County Commissioners and County Counsel,

I will address three of the four proposed areas of changes. I will leave the discussion of changes to enforcement to others, except to note that significant changes must be made. The current system is a failure.

1. Occupancy.

A limit of 2 persons per sleeping area makes good sense and is reasonable. Long overdue, but better late than never. Have a big group? Rent a bigger house, don't crowd a small one.

2. Septic systems.

An ESER is needed to determine or confirm the size and condition of an existing septic system. Many older septic systems in unincorporated Lincoln County have no records on file whatsoever. Some of these septic systems are serving licensed STRs. Nothing is known of their size, capacity, or functionality. I personally know of one case where it was discovered that there was no septic tank or drainfield, just a 16-foot deep hole in the ground filled with rocks. Nearly half the septic systems in my neighborhood are old enough that no records are on file. Some of these are STR properties. One license was voluntarily surrendered when damage to the septic system was found. Others remain unknown, yet licensed. Even when septic permit records are on file, some are incomplete or inaccurate. In some cases the system was not actually built as indicated on the permit. An ESER is necessary to determine what really exists. Should all properties be required to have adequate septic records on file? Yes, but at the moment we are only dealing with STRs.

It is very important that the Onsite Waste Division communicate quickly with the Licensing Authority on all matters related to septic system deficiencies, not just capacity determinations based on ESERs. If the Division finds a septic system that has failed or is in need of repair or maintenance, it should immediately contact the Licensing Authority, which should immediately suspend the STR license until all deficiencies are corrected and the system is inspected by the Division. This is apparently not happening now. This is a public health matter and the idea of a grace period to keep operating before repairs are done is ridiculous.

3. The cap concept.

Alternative #1, no limits on numbers of STRs, completely ignores the very real problems we are experiencing. A much better alternative for the *residents* of Lincoln County would be an unmentioned Alternative #5, ban STRs in low-density residential neighborhoods, phasing them out over 5 years. Allow STRs without caps in commercial zones and possibly in high-density residential zones.

Alternative #2, a county wide cap, unless at a greatly reduced number, would be only slightly better than nothing, and would not address the problem of neighborhoods that are overrun with STRs that impact livability for residents.

Alternative #3, an overall cap with geographical subareas also having caps, would be complex but better because it begins to address areas impacted by too many STRs concentrated in a small area.

Alternative #4, geographical caps with no overall cap, would focus more on heavily impacted areas. This would also be complex, but could improve the situation in heavily impacted neighborhoods while not necessarily capping the overall number of STRs allowed in non-residential zones.

Alternatives #3 and #4 are the only two that seem acceptable because they attempt to address neighborhood-specific STR-density problems.

That said, the tentative proposals made for these alternatives are extremely flawed in at least two ways.

First, the initial proposed maps broken down into seven areas are nearly worthless as planning tools for this purpose. The maps were created using simple and clear boundaries, but they fail to recognize that clusters of STRs lining both sides of Highway 101 are really part of the same neighborhoods. Having a street run through a neighborhood does not mean that houses on one side should be counted or regulated differently from those on the other side. For example, look at the proposed Regions 2 and 4. They are long and narrow, compared with the huge Regions 6 and 7 east of Hwy 101. But look at where the STRs are in Regions 6 and 7. There are dense clusters right along Hwy 101, effectively just across the road from Regions 2 and 4. Those clusters need to be treated as if they are in Regions 2 and 4, not other regions. For this system to work and have any chance at all of dealing with density problems, much smaller planning areas must be defined to deal with actual neighborhoods, not arbitrarily divided by a road.

Second, and of paramount importance, the proposals submitted by counsel to the BOC on March 29 state that “The boundaries of the subareas, and the number of licenses allowed within the subareas, shall be recommended *by the Licensing Authority*” and approved by the BOC. (emphasis added). **WHAT?!?** The Licensing Authority is the Sheriff's Office. This is a process that cries out to be done by land-use planners, not administrative employees of the Sheriff's Office. This is a complex and difficult task, and will be a controversial and thankless one, so I can understand why the Planning Department does not want to get involved. Nonetheless, ***this is a planning problem and will require planning solutions***, not clerical ones. This does not mean getting into land-use regulation changes any more than what is already proposed. It does mean that planning is essential to accomplish Counsel's proposals. Why are the Planning

Commission and/or the Planning Department not involved in what is clearly a planning issue? The BOC must direct one or both groups to become directly involved. If they can somehow refuse that directive, then the BOC must hire an independent planning group to develop appropriate criteria and recommendations.

Jim Peterson
Depoe Bay

Public Input

Row 3

Name	Jon Oksenholt
Email	legal@kaizenam.com
Form Date Field	04/07/21
Topic	Agenda Item
Comments	<p>Dear Commissioners, My name is Jon Oksenholt and I am the CEO of a local family-owned and operated vacation rental management company, Meredith Lodging. In addition to being the CEO of Meredith Lodging, I am a born and raised lifelong resident of the Oregon Coast. I am passionate about the Coast and about bringing living wage jobs to our region. I am also passionate about affordable housing and first-time home ownership, which is achievable for many only with living wage job employment. As remote work offers flexibility, we see more and more second homeowners buying homes on the Coast. I've heard the term "dot.com town" thrown about and to be frank, it's a little concerning. I've spent my life here and consider it to be a "livability town" where a person can make a living working in the tourism industry or in natural resources. Not a "dot.com town" of sporadically vacant luxury homes. To give an example of the value vacation rentals bring into this region, the homes in Meredith Lodging's program provide 200+ living wage jobs. Our workers reside near the locations they work. Nightly rental guests drive tourism dollars into this region. Meredith Lodging's founders make substantial donations into the local community. During the forest fires last summer, our employees responded very quickly and many homeowners in our program donated transient housing free of charge. We were able to provide transitional housing for displaced homeowners, firefighters, doctors and nurses, and teachers. Despite all of this value, from a small group of second homeowners – in addition to false and fabricated complaint filing – we have encountered outright hostility. To give anecdotal examples, in 2020 I was temporarily away from the region to care for a sick family member. When I returned, I was saddened and upset to learn that several second homeowners in a planned community were harassing my cleaning and maintenance crews as they tried to perform their daily tasks. A young woman cleaner was yelled at in front of guests. A hot tub cleaner was followed as he went from home to home by a second homeowner who spoke down to him from a close distance without a mask. These hospitality workers are the heart and soul of Meredith Lodging. They are the heart and soul of the Oregon Coast. The jobs nightly rentals provide matter to them and they deserve to go about their workdays without encountering animosity and harassment. I give these examples to make the point: perhaps there is not a problem to solve. While Meredith Lodging supports taxing and moderate regulation of nightly rentals, we do not support a cap on STR units or further regulation of occupancy and septic systems. The nightly rental code as currently enacted already strikes a reasonable middle-ground on these points. Planned developments such as Bella Beach are already self-regulating and do not require further regulation. A false narrative pushed through by a small, vocal group should not have the power to change an industry that is driving so much economic good into our region. In</p>

conclusion, I would like to offer one solution. If we want to solve affordable housing issues in Lincoln County, we should promote tourism in this region and the jobs tourism brings with it. In fact, I would support an additional transient room tax earmarked for an affordable workforce housing fund. The workers behind the tourism industry are a major part of the lifeblood of this region and a housing fund for their benefit would be a beautiful thing. Sincerely, Jon Oksenholt CEO of Meredith Lodging

Meeting Date 04/07/21

Subject Nightly Rental Regulation

Public Input

Row 2

Name	Kathryn knutson
Email	kknutsonwa@gmail.cpm
Form Date Field	04/07/21
Topic	Agenda Item
Comments	Dear Board of commissioners: Please keep existing homes at grandfathered occupancy. Counties must follow state law on grandfathered uses. The County can avoid exposure to liability and potential lawsuits by leaving existing occupancies in place, and only applying any changes to new licensees going forward. Oregon State law protects grandfathered uses and transfer of grandfathered uses in unincorporated counties. Please protect my continuing rights to transfer a STR license to a child or grandchild or even a family friend. We own a vacation rental in Waldport.
Meeting Date	04/07/21
Subject	Short Term Rental proposed regulations

Public Input

Row 16

Name	Kathy Godin
Email	orairedalemom@gmail.com
Form Date Field	04/06/21
Topic	Agenda Item
Comments	<p>I have two STRs located behind my home between my home and the beach. I have had nothing but problems with these rentals, including, but not limited to, partying, number of people over the rental limit, illegal fireworks, disregard of quiet time, too many vehicles, vehicles using my driveway to park and turn around, backing vehicles in and shining car and truck lights into my home and bedroom, noise and more noise, bright lights installed and left on all night until I had to bring a case before the HOA, which took months to rectify. I live here. These people don't. They have zero respect for permanent residents. The owners REFUSE to follow the rules. It needs to stop. I shouldn't have to be living under these conditions.</p>
Meeting Date	04/07/21
Subject	Banning STRs in Lincoln County

Public Input

Row 10

Name	Kevin Lichy
Email	kevinlichy@gmail.com
Form Date Field	04/07/21
Topic	Agenda Item
Comments	<p>Lincoln County Commissioners , I am a home owner in Sandpiper Village. I lived there full-time for 4 years before family obligations necessitated moving to Corvallis three years ago. My wife and I continue to work in Lincoln county. My family of seven loves our Waldport home and wants to keep it for use as much as possible, however the only way to afford it is to supplement the costs with renting as a STR. I have responsibly operated my home as a self-managed short term rental for over three years without complaint and have diligently followed all the rules set out by my license. I personally vet renters based on conversations and reviews by their former stays on rental platforms such as Airbnb and VRBO. I further use outdoor security cameras and noise detection devices to ensure renters are following rules and my neighbors have my direct information. I take pride in having a nice home and don't want anyone to cause harm to it or my previous and current neighbors. In regards to the proposed regulation change I do not agree with the blanket occupancy rule change from 3 per bedroom plus 2 to 2 per bedroom. My home is officially 3 bedroom but is 3100 sqft and designed and furnished to accommodate families on vacation. Like many vacation rentals, it was designed with a bunk room that allows 12 to stay in the home comfortably (which we limit to 11 per license). A big portion of our renters are two small families with kids wanting to enjoy a quality beach home together. Those are typically 4 adults plus 4-6 kids, but the proposal will prevent this. I don't believe a blanket rule of 2/bedroom fits the various home designs and there should be allowance or exception based on the home size and/or an exception for kids. Even my own family with five kids would not be allowed to rent home like ours. I agree that septic systems must be well maintained. With my current occupancy septic inspections have always shown it's operated well within it's capacity so reducing to 2 per bedroom will provide no benefit. Septic designs and conditions vary and the performance of the system is what matters. If overcrowding of homes is an issue, this does nothing to address home owners from greatly exceeding their own capacity on a routine basis. I believe cutting occupancy of a 3 bedroom nearly 50% from 11 to 6 will drive many to rent illegally which will cut tax revenue. I estimate this proposal will cut our rental income in half. This will both jeopardize my families ability to afford our home and reduce tax revenue by half to the county for no real benefit. At minimum existing license holders in good standing that have demonstrated ability to protect their neighborhoods should be grandfathered to protect their investment. I am completely in favor of proper enforcement of the existing rules, even if this needs to be paid for by higher rental taxes. Thank you for your consideration, Kevin Lichy Home Owner</p>
Meeting Date	04/07/21

Subject Letter regarding STR proposed changes



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

Public Comment on Lincoln County STR (Short-term rental) proposal

viaoregoncoalition@grassrootsmessages.com

<viaoregoncoalition@grassrootsmessages.com>

Reply-To: viaoregoncoalition@gmail.com

To: kpeter@co.lincoln.or.us

Wed, Apr 7, 2021 at 3:43
PM

Dear Commissioners Hunt, Hall, and Jacobson: ● Avoid Familial Status Discrimination. Under the County's proposal, a family of four could rent a 250 square foot hotel room but not a 1,200 square foot one-bedroom home. The vast majority of visitors to Lincoln County are families. This is a violation of State and National Fair Housing Laws. Two per sleeping space plus two additional overnight occupants tracks with federal and state occupancy limits. ● Keep existing homes at grandfathered occupancy. Counties must follow state law on grandfathered uses. The County can avoid exposure to liability and potential lawsuits by leaving existing occupancies in place, and only applying any changes to new licensees going forward. By restricting the number of short term rentals in the County, it is inevitable that jobs and revenue to the County will be severely impacted. What is Lincoln County's plan to replace these revenues? The trickle-down effect of eliminating or severely curtailing the availability of COVID-friendly short-term rental housing in this County is staggering. Particularly considering that STR owners spent \$3.8 Million in 2019 to improve County housing stock, most of which went directly to your constituents in the form of wages and local sales revenue, and to the County in the form of permit fees. Regards, Lauri Hines [944 North Bayview Road, Waldport, OR, USA viaoregoncoalition@gmail.com](mailto:viaoregoncoalition@gmail.com)

Public Input

Row 14

Name	Lee Lynch
Email	greenhat66@gmail.com
Form Date Field	04/06/21
Topic	Agenda Item
Comments	There must be a limit on the number of vacation rentals in Lincoln County. Beyond that, we need to limit the number of people per house and per bedroom as outlined by 15neighborhoods. These properties should be monitored by the county for septic, sewage, landscape upkeep, and compliance with strict regulations. Please stop the proliferation of Short Term Rentals. Newport is losing the very character that brings tourists here and that drew permanent residents like myself.
Meeting Date	04/07/21
Subject	Vacation rentals

Public Input

Row 2

Name	Lisa Benson
Email	lisadenisebenson@gmail.com
Form Date Field	04/07/21
Topic	Agenda Item
Comments	We are very sensitive to the many issues surrounding STRs. Please do make the distinction though, between a general STR and an owner-occupied STR. We have an owner-occupied STR, which allows us to be able to pay our mortgage. Since we are right here when guests are present, there are no concerns regarding loud parties, problems with animals (which we do not allow anyway), trash, or other issues which may arise with non-owner occupied STRs. Please clarify this difference in types of STRs in whatever recommendations are put in place. Thank you, Lisa Benson
Meeting Date	04/07/21
Subject	OWNER OCCUPIED SHORT-TERM RENTALS

Public Input

Row 1

Name	Marcy Kaufman
Email	mxjane@gmail.com
Form Date Field	04/07/21
Topic	Agenda Item
Comments	<p>Please proceed with caution when considering all these STR changes. 1. There's a lot of jobs at stake and a potential for county tax base loss. And 2. Some changes appear to belong in Zoning changes and some appear to be an illegal taking of property rights. 3 Strikes Rule: I would suggest that this be postponed as part of the new code and that an equitable committee comprised of law enforcement, professional mediators, STR owners, STR property managers, long term renters and residents (LTR's). Currently, the number of complaints against STR's vs LTR's has not been adequately accounted for and no evidence exists that there are more complaints over STR's than LTR's . In addition, we have not been given time for the officer to provide recommendations on current effectiveness or the number of problems solved. I know that neighbors call on neighbors be they long or short term. Best practice calls for being data driven not anecdote driven, no matter how true the anecdote. I do believe that there are problem houses in STR's but the three strikes idea must at a minimum be a code or legal violation of consequence (i.e. noise, threatening behavior, etc) and require officer verification. The actual people who are violating the law should face immediate consequences. Parking violations should be dealt with by giving parking fines to any offending vehicles. Garbage issues as a strike seems unnecessary or like something that needs to be dealt with through mediation, not something rising to the level of a strike. In Eugene, I know that there can be a \$250 fine given after utilizing a complaint driven process. I've just barely scratched the surface of what and how we might want to deal with neighbor or criminal behavior and it shows the nuance and granularity that needs a community driven process for it to be effective. Caps: Since the number of STR's in unincorporated Lincoln County is only 4%, I believe that no cap should be mandated at this time. In addition, the fact is that Oregon State Law requires grandfathered and vested rights be protected. State law protects grandfathered uses and transfer of grandfathered uses in unincorporated counties. In order to avoid exposure to liability, the County must ensure that any changes to the STR ordinance protects those who have continuing rights to short-term rent their homes, whether currently compliant with licensing or not, including the right to transfer any required licenses to another. I understand that people would love for houses to be empty, but having a long-term neighbor is no guarantee that a neighbor will not have issues, parties, dogs, parking, fights, etc. The majority of people utilizing STR's are average, law-abiding, courteous people like you and me. Septic: Since STR's only make up 4% of the housing, I'd suggest that we proceed with caution in making a raft of changes that are equitable and legal. For instance, I'd suggest that if septic systems are of concern in the County and need to be addressed due to health and safety concerns, that they are addressed at both short and long term</p>

residences through the zoning apparatus if ongoing inspection is needed on an annual basis. If this gets addressed on a community-wide basis all will need time to remedy the situation and should not be penalized or condemned unless there is a health emergency. It should be eliminated as a requirement for licensure instead of being used as a bludgeon on a certain segment of property owners. STR Platforms: I believe the County should establish a contractual relationship to automatically get paid for the TRT's directly from Airbnb, SweetHomes, VRBO, etc. if not already doing so.

Meeting Date 04/07/21

Subject Short Term Rental Public Hearing

Public Input

Row 6

Name	Mike Mann
Email	mikem@dmgn.com
Form Date Field	04/07/21
Topic	Agenda Item
Comments	<p>We own two adjacent oceanfront properties. One is an STR and the other is our new home which we will occupy when completed in early May. We plan to live in the neighborhood that is predominantly STRs knowing the ups and downs from spending lots of time here at various times of year. Yet we still chose to do so. We feel that every neighborhood is unique and a one-size fits all approach is not fair to either side of these issues. We do not have the same problems that i have heard from the Bayshore folks and others probably due to less density in our Holiday Beach area. The geographic areas shown on your new map smacks of the district lines being re-drawn for politically favoring one demographic at the expense of the others to maintain a majority for voting purposes. We have been lumped in to the Nye Beach Newport area which could not be a worse matchup of dissimilarities. We have been responding to moving target regulations since we purchased in 2018. Shortly thereafter our STR was reduced from 14 occupancy down to 6 due to a septic ruling based on the original house permit for bedrooms and assumed septic capacity. We subsequently spent \$18K on a septic upgrade (pre-treatment aeration system) and were reinstated back to 14 occupancy. Now you want to cut us back to two per sleeping area so with four bedrooms and a great room that easily sleeps 6 we would be limited to 8 if i understand the proposed rule change. Our STR is already booked all summer at occupancies above what would be considered legal under the new rules. When we purchased, the STR income was part of our retirement portfolio. Had we known these were to be curtailed and phased out, we would have never invested in this area since there are other areas without these regulatory challenges. We are very happy to be here, hoping we made the right decision, but worried that we maybe did not. Mike and Evelyn Mann 9920 and 9926 S Coast Highway South Beach, OR 97366</p>
Meeting Date	04/07/21
Subject	STR Rules Changes



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

STR comments

mike miller <drgmam@gmail.com>

Tue, Apr 6, 2021 at 1:58 PM

To: kpeter@co.lincoln.or.us

Please accept these comments for your upcoming session:

First: STR's by their very definition are for profit, commercial enterprises. As such they should only be allowed in areas zoning for commercial activities, not residentially zoned neighborhoods. They are unsupervised, largely unregulated businesses that simply do not belong in residential areas.

Second: If a county allows such businesses, they **MUST** be supervised and regulated. Motels, hotels, hostels, assisted living units, etc are licensed, regulated and require supervision. Even B&B's require regulation and supervision and are limited in their approved locations.

Third: Unsupervised businesses bring with them the transiency, noise, traffic, crime that are inherent with a party hearty atmosphere. The way these businesses are advertised is simply "come here, do whatever the hell you want once you get here" because no one is around to control your behavior.

Fourth: Even if you decide to write some ordinance that provides controls or regulations, what is your enforcement plan? The sheriff has made it clear he will not be the enforcer, so you then place neighbors in the dangerous spot of enforcing laws without assistance. This is a dangerous recipe for violence.

Fifth: If you create real regulations, then the 2 person per bedroom, **NO ADDITIONAL** guests must be enforced! The county regulates occupancy based on bedrooms and septic capabilities. You must require septic inspections and enforcement of occupancy limits. Otherwise you have created unsafe, party houses!

Sixth: you must create funded positions that include enforcement personnel, hearing officers and necessary administrative support. These positions should be funded by real fees placed on these for profit businesses.

Finally: if you choose to allow these for profit businesses in residential neighborhoods, **PUT A CAP ON THEM!** A study conducted by Elliott Pollack and associates in Arizona proved that STR's in neighborhoods have a significant negative effect on home values and quality of life concerns in neighborhoods.

Please show the real, tax paying residents who actually live here that you care about them, not just the get rich quick investors.

Thank You

Mike and Diane Miller

Public Input

Row 3

Name	Minx Ravenwood
Email	moonmeadow4@gmail.com
Form Date Field	04/07/21
Topic	Agenda Item
Comments	See Attached
Meeting Date	04/07/21
Subject	Three Strikes and Compliance Enforcement



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

Public Comment on Lincoln County STR (Short-term rental) proposal

nadine@grassrootsmessages.com <nadine@grassrootsmessages.com>

Wed, Apr 7, 2021 at 3:32 PM

Reply-To: nadine@windermere.com

To: kpeter@co.lincoln.or.us

Dear Commissioners Hunt, Hall, and Jacobson: Please make LONG TERM plans that will be effective for both the community, businesses, employees, home owners and short term rental home owners. We all depend on our revenue and upsetting the system once is enough. Let's put some real thought into long terms plans. By restricting the number of short term rentals in the County, it is inevitable that jobs and revenue to the County will be severely impacted. What is Lincoln County's plan to replace these revenues? The trickle-down effect of eliminating or severely curtailing the availability of COVID-friendly short-term rental housing in this County is staggering. Particularly considering that STR owners spent \$3.8 Million in 2019 to improve County housing stock, most of which went directly to your constituents in the form of wages and local sales revenue, and to the County in the form of permit fees. Regards, Nadine Scott [1302 N W Oceania Drive, Waldport Or 97394 nadine@windermere.com](mailto:nadine@windermere.com)

Public Input

Row 1

Name	Patrice Magill
Email	magill1701@yahoo.com
Form Date Field	04/07/21
Topic	Agenda Item
Comments	<p>Hello: We are owners of property located along Wakonda Beach near Waldport. We currently reside in the home part of the year and use as a licensed STR the remainder of the year. Please take our comments into consideration: Occupancy Please keep homes at grandfathered occupancy. Our income would be adversely affected. The existing occupancy rules are reasonable. Septic Systems We do not believe the County should make the proposed changes. If the County has legitimate health or safety concerns about occupancy and septic, this belongs in the zoning code and should apply to all residences, county-wide. To make enforcement equitable, any occupancy limit based on septic capacity should apply to all residential uses, not just STRs. If this is truly a health and safety issue, it belongs in the zoning code and should apply to everyone. Caps on Licenses We do not believe this would be beneficial to anyone in Lincoln County except a handful of people who have a "close the door behind me" attitude. We have a beautiful County that rightfully wants to be enjoyed by many people. Our visitors are primarily good Oregonians who are respectful and appreciative and bring in considerable resources. Thank you for your time. Patrice & Randy Magill</p>
Meeting Date	04/07/21
Subject	Short Term Rentals`

Public Input

Row 11

Name	Phillip Pico
Email	jeeplover4vr@msn.com
Form Date Field	04/07/21
Topic	Agenda Item
Comments	<p>Will modifications be made to report violations (noise, fireworks, parking, etc.) besides what is currently in place? Per the LCSO website, the two-step process regarding vacation renter complaints is to call the 24/7 Complaint Hotline (hosted by LodgingRevs) at 541-265-0666. If this step has not resolved the problem, then contact the non-emergency dispatch (Step Two). My recommendation, since it is not feasible for a deputy to respond due to the number of deputies assigned per shift and the vastness of the county, would be to implement a portal through the Sheriff's website where complaints can be logged and later investigated. At the very least, substantiated complaints made through the portal, the Sheriff's Office can issue warnings to the homeowner and can be recorded/compiled and used as a means to prevent a vacation rental license renewal when they expire. Maybe the new complaint procedure will spark homeowners to be more mindful who they rent their homes to as well. I envision this procedure as a way to not punish the renters (as they are usually gone the next day after the complaint is made or they are from out of state and citing them is futile) but to regulate the number of vacation rentals in the future. In other words, penalize the homeowner whose rental/renters constantly disrupts the peace and quiet in the neighborhood. A non-license renewal might force the homeowner to live in their vacation rental, or sell the property to those who wish to become community members. Perhaps the portal can list who the homeowners are and their contact information as well. This information could be used as a more efficient and proactive response/solution BEFORE a deputy is called. At least the complainant will have a means, at the very least, to try and resolve the issue before the aforementioned Step Two is utilized. Lastly, what evidence would be required to give substance to these complaints? Due to the nature of many humans, person-to-person contact can be dangerous (one reason I've never knocked on a door full of vacation renters) so any statements between complainant and violator does not exist. Would video uploads suffice? To reiterate, my suggestion is not to punish the renters but to keep the homeowner apprised and, maybe due to the number of complaints made, prevent the reissue of vacation renter licenses. Thank you.</p>
Meeting Date	04/07/21
Subject	Vacation Rental Complaint Process



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

Public Comment on Lincoln County STR (Short-term rental) proposal

powersranch@grassrootsmessages.com <powersranch@grassrootsmessages.com>

Tue, Apr 6, 2021 at 10:28 PM

Reply-To: powersranch@outlook.com

To: kpeter@co.lincoln.or.us

Dear Commissioners Hunt, Hall, and Jacobson: I own a property in Waldport that caters to short term renters who love to come to the Oregon Coast. Their visits provide jobs for grocers, landscapers, restaurants, fishermen, maintenance companies, and many other service workers. I pay a lot of property taxes to your county to allow me to provide these people the opportunity to earn a living to pay you as well. Please don't restrict all of us to earn money to pay your taxes. By restricting the number of short term rentals in the County, it is inevitable that jobs and revenue to the County will be severely impacted. What is Lincoln County's plan to replace these revenues? The trickle-down effect of eliminating or severely curtailing the availability of COVID-friendly short-term rental housing in this County is staggering. Particularly considering that STR owners spent \$3.8 Million in 2019 to improve County housing stock, most of which went directly to your constituents in the form of wages and local sales revenue, and to the County in the form of permit fees. Regards, Quincy Powers [3327 King Edwards Ct, Eugene, OR, 97401 powersranch@outlook.com](mailto:powersranch@outlook.com)

Public Input

Row 8

Name	Rhonda Jantzen
Email	rondojantzen@yahoo.com
Form Date Field	04/07/21
Topic	Agenda Item
Comments	<p>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</p>
Meeting Date	04/07/21
Subject	STR



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

Public Comment on Lincoln County STR (Short-term rental) proposal

rsands@grassrootsmessages.com <rsands@grassrootsmessages.com>

Wed, Apr 7, 2021 at 8:55 AM

Reply-To: rsands@mysandsgroup.com

To: kpeter@co.lincoln.or.us

Dear Commissioners Hunt, Hall, and Jacobson: Occupancy should stay as is at 3 per sleeping area, plus 2. Anything less will negatively affect my ability to rent my home. This is my retirement. I need this income. It is an investment for myself and my wife. Under the County's proposal, a family of four could rent a 250 square foot hotel room but not a 1,200 square foot one-bedroom home. This makes no sense. The least you could do is keep existing homes at grandfathered occupancy. Counties must follow state law on grandfathered uses. The County can avoid exposure to liability and potential lawsuits by leaving existing occupancies in place, and only applying any changes to new licensees going forward. The Three Strikes & Code Enforcement you have proposed is not fair. There are those that falsify information to cause damage to STR's, and to hurt them financially. This is wrong. The Sheriff's Department needs to increase Compliance Officer presence, particularly on evenings and weekends. The new law should establish neighbor mediation. Neighborhood mediators are prepared to get to the root of the issue, which is usually not about the occupants, but is about respect, communication, and feeling heard. Nonprofits such as Resolutions Northwest can assist in establishing and training local mediators to facilitate such a program. Such programs are common in any community and preserve law enforcement resources for actual threats, rather than nuisance and behavioral issues. The same mediation program would help with repeated, frivolous neighbor complaints. This should be an education campaign; the fact that no STRs have been shut down only means that owners and operators comply, not that the program is failing. I propose parity in the "three strikes" rule however: that if a neighboring address makes 3 complaints that the licensing authority finds to be unfounded, that neighbor can be barred from making future complaints. This makes sense and is a more balanced approach. I request that there be NO caps on Licenses. I urge the County to avoid a ghost-town of vacant homes: Current US census data shows approximately one-third of Lincoln County homes are not occupied full time:

<https://www.census.gov/quickfacts/fact/table/lincolncountyoregon,US/PST045219> Counsel Belmont's Memo of 5/29/19 suggests that STRs comprise 4% of unincorporated Lincoln County homes. Occupied homes are better for neighborhoods, the economy, and law enforcement. On the other hand, unoccupied and neglected homes attract crime and decrease neighborhood property values. I believe there is no need for caps; no other County has done this as caps are an Urban and Suburban phenomenon. 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. Also, I believe that the Oregon State Law requires grandfathered and vested rights be protected. State law protects grandfathered uses and transfer of grandfathered uses in unincorporated counties. In order to avoid exposure to liability, the County must ensure that any changes to the STR ordinance protects those who have continuing rights to short-term rent their homes, including the right to transfer the license to another. In summary, by restricting the number of short term rentals in the County, it is inevitable that jobs and revenue to the County will be severely impacted. What is Lincoln County's plan to replace these revenues? The trickle-down effect of eliminating or severely curtailing the availability of COVID-friendly short-term rental housing in this County is staggering. Particularly considering that STR owners spent \$3.8 Million in 2019 to improve County housing stock, most of which went directly to your constituents in the form of wages and local sales revenue, and to the County in the form of permit fees. I ask that you take my comments very seriously. Thank you for your time and consideration in this very important matter. Best Regards, Rob Sands 3692 Stanley Ln S, Salem, OR, USA rsands@mysandsgroup.com By restricting the number of short term rentals in the County, it is inevitable that jobs and revenue to the County will be severely impacted. What is Lincoln County's plan to replace these revenues? The trickle-down effect of eliminating or severely curtailing the availability of COVID-friendly short-term rental housing in this County is staggering. Particularly considering that STR owners spent \$3.8 Million in 2019 to improve County housing stock, most of which went directly to your constituents in the form of wages and local sales revenue, and to the County in the form of permit fees. Regards, Rob Sands 3692 Stanley Ln S, Salem, OR, USA rsands@mysandsgroup.com

Public Input

Row 4

Name	Robert Hertert
Email	robert.hertert@gmail.com
Form Date Field	04/07/21
Topic	Agenda Item
Comments	<p>Testimony 4-7-2021 workshop Robert and Debi Hertert 9180 Seagull Way Seal Rock, Oregon 97376 [short-term rental] Occupancy limits: The proposed reductions amount to drops of 70% to 42% depending on house size. These are large reductions and the impact is not equal. Recommendation: The rationale for the reductions should be made clear and not be complicated by public health issues. Recommendation: Grandfather the existing STRs at current 3/bedroom + 2. Recommendation: If the 2/bedroom limit is enacted, allow for at least one extra overnight guest for studios and 2-bedroom homes. The proposal to allow zero extra guests beyond 2/bedroom imposes an unequal reduction that would be more balanced across small to large homes by allowing the one extra for small homes. [full disclosure, we own a 2-bedroom home] Public health: Septic system capacity and performance are obviously necessary for public health. If a system was permitted for a certain number of bedrooms and performs correctly, there would seem to be no more impact on public health due to the home being used as an STR, given that occupancy limits are in place. Is the focus on these systems really about public health, or is the focus an alternate method for reducing occupancy? The County Sanitarian would likely be the official who could best recommend what sequence of testing makes sense for the county. If STR's are determined to be at the top of the list, then by all means test, but have a solid basis for the decision. The same goes with residences and long-term rentals in the county - if occupancy is not being limited, these houses may pose an even higher risk for public health and might be more important to be tested first, or in addition to STRs. If a revised occupancy of 2/bedroom with no extra is implemented, this is a 50% reduction in occupancy for a 2-bedroom home and even larger for a studio.. It seems unreasonable to pursue the intensity of ESER and inspections if highly restrictive occupancy limits are put in place. Recommendation: Occupancy should be dealt with as an independent objective, separate from public health. Recommendation: The County should justify whether there is a higher public health risk from occupancy-limited STR sanitation systems, as compared with other residential and long-term rental properties, and whether that risk applies equally to all STRs or more to the very large STRs. Recommendation: Reduced occupancy STRs should not be required to have ESERs every fourth year. County Sanitarian should determine whether annual inspections make sense. Code enforcement: The "three strikes" needs a highly specific definition. And it definitely needs a time limit to reset. STR owners and Vacation Rental Managers who are trying their best to do a good job should not be in fear of losing their business over accusations that are trivial or mean-spirited. That being said, there are large differences among management companies, especially in how guest groups are vetted and what proactive steps a</p>

management company puts into place such as noise sensing and outside video surveillance, etc. If a management company is doing a poor job it impacts the entire ecosystem. It doesn't make sense for a hearings officer to deal with each house separately and not take into account other violations involving the same management company. Recommendation: Self-managing owners and management companies should have their confirmed infraction statistics be made public in a fair way, probably as a percentage of their overall listings in the county, for example. Property owners could use that information to help decide which management company they want to use, and the public nature of the info would encourage management companies to improve. Cap on licenses issued: Caps seem like the only way to keep from over-populating sub-areas with STRs. 10% is a figure used by Lincoln City for their non-VR zoned areas. Alternative #4 makes more sense

Meeting Date 04/07/21

Subject STR code amendments

Testimony 4-7-2021 workshop

Robert and Debi Hertert
9180 Seagull Way
Seal Rock, Oregon 97376
[short-term rental]

Occupancy limits: The proposed reductions amount to drops of 70% to 42% depending on house size. These are large reductions and the impact is not equal.

Recommendation: The rationale for the reductions should be made clear and not be complicated by public health issues.

Recommendation: Grandfather the existing STRs at current 3/bedroom + 2.

Recommendation: If the 2/bedroom limit is enacted, allow for at least one extra overnight guest for studios and 2-bedroom homes. The proposal to allow zero extra guests beyond 2/bedroom imposes an unequal reduction that would be more balanced across small to large homes by allowing the one extra for small homes. [full disclosure, we own a 2-bedroom home]

Public health: Septic system capacity and performance are obviously necessary for public health. If a system was permitted for a certain number of bedrooms and performs correctly, there would seem to be no more impact on public health due to the home being used as an STR, given that occupancy limits are in place. Is the focus on these systems really about public health, or is the focus an alternate method for reducing occupancy?

The County Sanitarian would likely be the official who could best recommend what sequence of testing makes sense for the county. If STR's are determined to be at the top of the list, then by all means test, but have a solid basis for the decision. The same goes with residences and long-term rentals in the county - if occupancy is not being limited, these houses may pose an even higher risk for public health and might be more important to be tested first, or in addition to STRs.

If a revised occupancy of 2/bedroom with no extra is implemented, this is a 50% reduction in occupancy for a 2-bedroom home and even larger for a studio.. It seems unreasonable to pursue the intensity of ESER and inspections if highly restrictive occupancy limits are put in place.

Recommendation: Occupancy should be dealt with as an independent objective, separate from public health.

Recommendation: The County should justify whether there is a higher public health risk from occupancy-limited STR sanitation systems, as compared with other residential and long-term rental properties, and whether that risk applies equally to all STRs or more to the very large STRs.

Recommendation: Reduced occupancy STRs should not be required to have ESERs every fourth year. County Sanitarian should determine whether annual inspections make sense.

Code enforcement: The “three strikes” needs a highly specific definition. And it definitely needs a time limit to reset. STR owners and Vacation Rental Managers who are trying their best to do a good job should not be in fear of losing their business over accusations that are trivial or mean-spirited. That being said, there are large differences among management companies, especially in how guest groups are vetted and what proactive steps a management company puts into place such as noise sensing and outside video surveillance, etc. If a management company is doing a poor job it impacts the entire ecosystem. It doesn’t make sense for a hearings officer to deal with each house separately and not take into account other violations involving the same management company.

Recommendation: Self-managing owners and management companies should have their confirmed infraction statistics be made public in a fair way, probably as a percentage of their overall listings in the county, for example. Property owners could use that information to help decide which management company they want to use, and the public nature of the info would encourage management companies to improve.

Cap on licenses issued: Caps seem like the only way to keep from over-populating sub-areas with STRs. 10% is a figure used by Lincoln City for their non-VR zoned areas. Alternative #4 makes more sense in that the real problem is having too dense of STRs in a given sub-area, which doesn’t really have anything to do with the overall area.

Recommendation: Alternative #4

Public Input

Row 17

Name	Randal and Marta Dieringer
Email	mgdieringer@yahoo.com
Form Date Field	04/06/21
Topic	Agenda Item
Comments	<p>We write to you regarding our Yachats property at 4455 Hwy 101 N. Our home is located approximately two miles north of downtown Yachats and is on a 3.8-acre lot. We purchased it in July 2017. Our permanent home is in northern California, but Randal was born in Portland and his family is originally from Oregon. Our daughter, Dr. Carol Dieringer Stock and her husband had settled in Portland after graduating from U of O and in 2015 relocated to Newport. They suggested we purchase a home on the coast, something we could use when we came to visit and rent out when not here. We looked carefully up and down the coast, dismissed property in densely populated neighborhoods and finally found this property, just outside Yachats city limits, on 3.8 acres, with ample private parking, and on a beautiful stretch of beach. Our realtor recommended Vacasa and introduced us to a local sales rep. The rep assured us obtaining an STR license would be no problem for this property, and asked us to let her know once we closed on the property and she would email us a Lincoln County STR rental application. She said Vacasa would complete the property and Vacasa management information sections, take care of submitting for approval and they would let us know when they could start advertising the property on their website. Attached is our copy of the application we submitted to the Vacasa sales rep, who as it happens no longer works for Vacasa. Last December when we received the letter from the Sheriff's office notifying us that there was no license on file for our property we were sure it had to be a mistake. We had gone through several Vacasa Managers since purchasing the property and thought one of them must have dropped the ball and failed to renew. But to our dismay we discovered no one at Vacasa had followed through on the 2017 license application. We should have requested a copy of the license for our files back then. We would be more than happy to pay back any fees owed to the county. We are law abiding citizens and would have never attempted to rent without a license. We have had to dig into retirement savings to cover house costs this year as well as for April & May of 2020, but that is not sustainable. We are both retired. We cannot afford a second home if we can't offset some of the costs via short term rentals. We also fear too many STR restrictions now may result in many other properties going on the market and that will lower our property value and lengthen the sale time if we end up having to sell. Even back in 2017 this property had sat on the market for about a year before we purchased it. We have so enjoyed this beautiful place! And knowing the home can also be enjoyed by others when we are not here, that others can build fond memories of family trips to the beach and patronize local businesses is a plus for everyone. And it is safer than having the home unoccupied for weeks at a time. Back in 2017 the listing broker told us of having to chase off transients because their cooking and/or warming fires under the deck could pose a fire risk. We hope we do not have to sell this</p>

beautiful place. Our grandchildren love the beach, every visit offers a new beach landscape - fertile ground for imaginative play away from "screen time" We implore you to consider our situation as well as the location of our property and allow us to obtain the STR license we were so sure we had obtained back in 2017. Respectfully, Randal & Marta Dieringer

Meeting Date 04/07/21

Subject Lincoln County STR Workshop #2



LINCOLN COUNTY SHORT TERM RENTAL LICENSE APPLICATION

Licensing Authority
Lincoln County Sheriff's Office

225 W. Olive Street
Newport, OR 97365
Phone: 541-265-4912

Applicant: Marta Dieringer
Mailing Address: 9446 VALLE VISTA St
City/State/Zip: Windsor CA 95492
Phone: 707-486-3955 Fax: _____
Email: ranmar4@comcast.net
Website Address: _____

Owner: Marta Dieringer
DBA: _____
Mailing Address: 9446 Valle Vista St
City/State/Zip: Windsor CA 95492
Phone: 7074863855 Fax: _____
Email: ranmar4@comcast.net

Local Contact Person: _____

Phone(s): _____

Contact Person's Business Name (if any): _____

Mailing Address: _____

Email: _____

City/State/Zip: _____

Property Information:

Street Address and City: _____

Map and Tax Lot Number: _____

Number of Sleeping Areas: _____ Maximum Occupancy: _____

Number of Off-Street Parking Units: _____ Year Dwelling Became Short-Term Rental: _____

Other On-Street Parking Locations: _____

I have met and will continue to comply with the requirements of LCC Chapter 4.405 through 4.060, and will comply with LCC Chapter 5.005 through 5.070 Transient Room Tax. I hereby certify that the above information is accurate and that I will notify the Lincoln County Licensing Authority of any changes to this information. I acknowledge that failure to comply with all standards of Lincoln County Ordinance #487 may result in denial or revocation of my application or license. I authorize Lincoln County staff and/or Hearings body to enter the property for inspection of site in conjunction with this application.

DocuSigned by:
Marta Dieringer
Applicant Signature
18-Jul-2017
Date

DocuSigned by:
Marta Dieringer
Owner of Record Signature
18-Jul-2017
Date

FOR OFFICE USE ONLY

Date Received: _____ Received By: _____ Fees Paid: _____ New: Renewal: Sold/Transfer:
Inspection Date: _____ Approved Denied License Number: _____ Issued By: _____



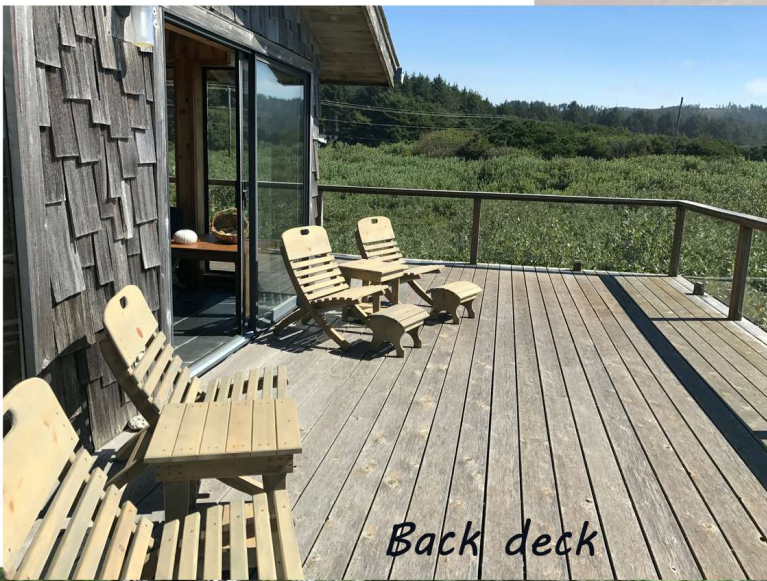
Twins Loren & Asher July,2017 and playing on Vingie Creek August 2019, Daniel with Asher May 2020
Randy & Marta Dieringer's beach home at 4455 Hwy 101 N, Yachats



Entrance path from parking area

4455 Hwy 101 N.
Yachats, OR

House view from the beach



Back deck



Guest Cottage



*Parking area at the end of private drive,
in front of path to main house and guest cottage*

Public Input

Row 19

Name	Roger Keehn
Email	rogerakeehn@hotmail.com
Form Date Field	04/06/21
Topic	Agenda Item
Comments	Please see attached PDF for your consideration
Meeting Date	04/07/21
Subject	Short Term Rentals (STRs)

Dear BOC,

More than nineteen months and hundreds of pages of public input were condensed, by the Lincoln County Office of County Counsel, into draft recommendations for the Short Term Rental (STR) Business Licensing Program, delivered to the County Commissioners shortly before their March 29, 2021 meeting. They fall short, missing the mark when it comes to providing relief to neighborhoods in unincorporated Lincoln County.

As ViaOregon, Vacasa, Meredith, and others push to expand the number of STRs along the coast, our neighborhoods are being redefined. Outside investors are acquiring as many residential homes and vacant lots as possible along the coast to expand their STR pool. Homeowners are being peppered with offers to buy and rent their home. Vacasa, for example, states “a unique characteristic of Vacasa is our ability to offer unparalleled financial results to our homeowners”, and “Our general premise is simple: you should earn more before we earn anything.” This is from a letter by Vacasa’s Co-founder and CEO Eric Breon.

They look for diversity in style, views, and price so that more people can come and enjoy the beauty of the coast without any of the responsibilities required of a good neighbor. The County’s draft recommendations look at STR caps, the 3-strikes rule, septic system requirements, and the number of people per rental. However, they fail to address the heart of the problem: what truly makes and defines a neighborhood?

So, what truly makes and defines a neighborhood? What makes a good neighbor? They say “hi” as we pass during our walks. Sometimes we engage in impromptu talk as we encounter each other. We interact with each other: inviting each other for a cup of coffee, to a barbecue, to play a game, or to watch a sports event. We can rely on each other to watch our homes while we are on vacation. We lend a hand with yard projects. When considering a contractor, a neighbor’s advice can be invaluable. Neighbors offer help when there is a medical need, perhaps a trip to the ER. Some just need a shoulder to lean on after suffering loss. They will pick up items for one another during a trip to town. Sometimes they care for each other’s pets. Involved homeowners will volunteer to serve on the HOA Board, to serve on a committee, or volunteer for the Road District. These are the things that strengthen neighborhoods. These are the things that make them good and where people want to live. As STRs proliferate, there will be fewer homeowners volunteering for these important responsibilities and fewer personal interactions and connections.

STRs are a cancer to residential neighborhoods eating away at its fabric, vitality, and livability. Limit the number of STRs in areas zoned for residential living, phasing them out over time. Restrict them to areas not designated for residential units, where they can help address the seasonal influx of visitors. Encourage the growth of motels in Lincoln County to meet this need.

Consider the successful City of Hood River model. This STR nightmare could not be foreseen years ago. The protective HOA guidelines, CC&Rs, did not address them when our neighborhood, Sandpiper Village, was established in 1968. Now it is nearly impossible to add provisions. Residents are desperate, hopeless, and angry, fearing there is nothing that can be done to stop the influx of STRs. They are frustrated with county inaction regarding STR complaints. Our only recourse is through the Lincoln County Commissioners. We ask you to act on STRs; take action now. We want our neighborhoods back!

Sincerely,
Roger Keehn
Sandpiper Village homeowner

Public Input

Row 22

Name	Royce Trammell
Email	ramtraml@hotmail.com
Form Date Field	04/05/21
Topic	Agenda Item
Comments	<p>Thank you for the opportunity to provide feedback on the Short Term Rental recommendations under consideration. I own a Short Term Rental in the Bella Beach community, and have rented it for about 2 years. During that time, I have hosted over 100 families and groups who have really enjoyed the Oregon coast and the Bella Beach community, and who have contributed a lot of income to the local economy. 1. I am not in favor of reducing occupancy limits. My property is currently approved for 13 overnight guests. The proposed regulations would reduce that to 8 guests, a 40% reduction. This is a drastic change, and would significantly impact my retirement income. I purchased the property based on the amount of income I would receive for hosting up to 13 guests. I did a lot of market research on comparable properties before purchasing. I might not have purchased the property, or spent many thousands on improvements, if I knew the maximum occupancy was going to be lowered. 2. I estimate the proposed maximum occupancy change would lower my income from the property by 20-30 percent, which would also lower my transient lodging tax payments to Lincoln County by that amount. A similar reduction would likely be true for most of the other larger STR properties in Lincoln County. 3. The argument that the average household size in Lincoln County is 2.25 persons per household and therefore the maximum occupancy should be lowered, does not take into account the fact that STRs are not occupied full time, like permanent residences or long term rentals are. My STR is occupied about 50% of the time, and many other are occupied much less than that. 4. The proposed maximum occupancy would leave very few STRs that could host 10 or more people in unincorporated Lincoln County. Where will larger groups go if there are suddenly few suitable STRs available? A) They may go to other counties or states that don't have this restriction, which means less revenue for Lincoln County, or B) They may go to hotels or houses within the incorporated cities of Lincoln City which don't have this lower restriction, which means even higher concentrations of traffic/congestion/people in those urban areas, instead of spreading people and traffic out more evenly like the current regulations do. 5. If maximum occupancy must be lowered, existing licensed STR properties should have their maximum occupancy levels grandfathered in so that owners and the county are not faced with immediate, significant income loss. Grandfathering maximum occupancy levels would allow for a gradual implementation as properties are sold and would have less drastic immediate impacts. 6. If maximum occupancy must be lowered, implementing a regulation like Tillamook County's of two persons per sleeping area plus two additional occupants, would be less drastic, and would be consistent with federal and state occupancy limits. Thank you again for your consideration, Royce Trammell</p>

Meeting Date 04/07/21

Subject STR workshop - STR recommendations

Public Input

Row 11

Name	Shirley Walde
Email	sherl36girl@gmail.com
Form Date Field	04/06/21
Topic	Agenda Item
Comments	<p>I firmly believe Lincoln Co. should support the ordinance to protect short term rentals. It not only provides a crucial source of income for hosts, but also adds income to the city in the form of lodging taxes. The economy of the city is also enhanced by the expenditures of the guests in and around the city. Many travelers prefer a more comfortable and private accommodation offered by short term rentals in place of one single room, such as is available in a motel room.</p>
Meeting Date	04/07/21
Subject	Short Term Rentals

Public Input

Row 7

Name	Susan Davidson
Email	alohasusanvp@gmail.com
Form Date Field	04/07/21
Topic	Today's meeting on STR's - Lincoln County

Comments Wednesday, April 7th To the Board of Commissioner's of Lincoln County; Thank you for your dedicated service to our local, long-term residents of Lincoln County and for giving us the opportunity to once again, voice our concerns and to comment/address the issues that have arisen all over in our County and City(s) since the over promoting/gaining of too many STR's, dating back to less than six months after first opening the door (floodgates) in 2012. My first contact with both the City Council in Newport, my town of residence since 2010. A native Oregonian, who with my business, came here to live and be a solid, stable, contributing member of this community I, with careful consideration, along with 50+ years of history here myself, chose to reside. My first contact with County County Commissioner Hall was when my own HOME, a small 400 sq. foot cabin in Nye Beach that I lived in for 5 years, as a solid contributing member with a small business, part of the nye beach business community; was given notice that my cabin home was being turned into a VRBO, which now earns \$4,000+ a month and is being promoted to sleep 6? I can tell you, the shabby septic system could barely handle 1 person part-time, certainly not 6 people. My family has just about 100 years on this central Oregon Coast, and believe first, that the Oregon Coast was never meant to be turned into vacation rental hell, nor sported out to tourism for-profit commodity. Oregon and our free public access Coast was and is still regarded as meant for: Education, Conservation, Recreation and Preservation. I'm writing today, to ask you to please STOP, Regulate, and Reverse/phase-out STR's in our County. I can tell you from my first-hand experience, as well from others that I know of; this is even a bigger issue TODAY than 6 years ago when I lost my own home to STR use OVER a long term residence for this local Oregonian. It's now 6 years later~ I STILL CANNOT FIND, nor have had, APPROPRIATE AFFORDABLE HOUSING ANYWHERE IN NEWPORT OR THE SURROUNDING AREAS! VRBO is as much as a problem in our surrounding area's as in Newport and other bigger City, Lincoln City. I have spent the last 6 years, without success, trying to find suitable housing to buy or rent. I had assets and was free of debt and now still have, after 6 years? of forced transient living, unsuitable housing options and no close-in storage units or post office boxes (another problem in our County)? Still looking and not able to find anything close to where my community and business is. For 6 years now, I have had to live in temporary housing options from Yachats to Depoe Bay and have been in Seal Rock, Waldport, Beaver Creek and even east of Newport. My NOT having a stable home has been and IS the #1 reason for my business instability and has caused instability of my all my resources on every level. Out in Seal Rock, and every "unincorporated area" you are addressing in this round of workshops, IS still popping up with VRBO's:(The long run problems of STR's in our County are far beyond the list of:

Excessive number of Occupants and their animals on sewer and septic, the unbelievable on-going excessive Noise, Garbage, Cars, Lighting, intrusion on local residents safety and peace of community. These tourists or short-term visitors do not LEAVE NO TRACE, NOR show respect for our area, they SPEED thru our town and Highway's, have a disregard for the residents of our County, leave unprecedented amounts of overflowing garbage everywhere and provide a huge "out-of-balance" unnecessary nuisance to the resident's who reside here, and have only 'added' to our growing problem with abundance of "transients" who have shown up in the last year, as you have noticed, causing more issue with securing any kind of housing anywhere now from Seaside SOUTH to Coos Bay! Please take a stand for LOCAL long-term, stable, sustainable community living by protecting our Lincoln County residents. Thank you, Susan Depoe Bay

Meeting Date 04/07/21

Subject Please STOP/reduce STR's in ALL of Lincoln County
