

# Public Input

Row 3

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<b>Form Date Field</b>	03/26/21
<b>Topic</b>	Agenda Item
<b>Comments</b>	Greetings: In cooperation with the Commissioners' request for informed and specific suggestions on a number of topics under consideration, but in particular "3 Strikes" and Area Caps, 15neighborhoods respectfully proposes the attached Code amendments. Our submittal is also available in .doc format. Respectfully, Steering Committee 15neighborhoods
<b>Meeting Date</b>	03/28/21
<b>Subject</b>	Amendment of STR Regulations

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**Submittal by 15neighborhoods for STR Code Amendment**  
**March 26, 2021**

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## PREFACE TO POSSIBLE CODE CHANGES

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

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

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

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

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

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

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<sup>1</sup> The *Position Paper of the Oregon Restaurant and Lodging Association (ORLA)* states that “the use of homes in residential areas as de-facto hotels is inconsistent with the intent of residential zoning and Oregon’s land use planning system.” . [https://www.oregonrla.org/uploads/9/7/9/8/97983354/orlaposition\\_shorttermrentals.pdf](https://www.oregonrla.org/uploads/9/7/9/8/97983354/orlaposition_shorttermrentals.pdf)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## I. POSSIBLE CODE CHANGES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 1. Sewer

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

### 2. Septic

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

## **D. SEPTIC SYSTEMS.**

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

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



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

2. Require an annual inspection of the septic system and perform pumping or maintenance as needed, with reports to be filed with the county.<sup>15</sup>

3. Require that ESER results and the STRs complete septic record, including permits, inspection and maintenance records, and all related correspondence are filed with the County and made easily accessible and publicly available (free) on the County website.

4. Require compliance with the National Environmental Health Association's (NEHA) Recommendations for Septic System Emergency Preparedness for (a) Power Failure, (b) Wildfires, (c) Flooding, (d) Earthquake, and (e) Snow or Freezing Temperatures.<sup>16</sup>

5. Post County provided Guidelines "How to Safely Use Your Septic System" at each sink and toilet.

## II. POSSIBLE PROGRAM ADDITIONS

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

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

2. Caps, Density Limits, and Spacing Standards should reflect the realities of the variety of rural

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

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

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

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

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

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

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

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

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

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

(a) Minimum Lot Size:

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

(b) Yards

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

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

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

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

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

(c) Special Setbacks

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

(d) Building Height:

- 30 foot maximum

(e) Lot Coverage:

- 30 percent maximum

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

## **B. TRANSFER OF BUSINESS LICENSES.**

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

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

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

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

### III. REGULATIONS SUGGESTED BY THE PUBLIC.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Overoccupancy:

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

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

5. Dogs:

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

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

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

6. Lights:

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

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

7. Trespassing:

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

8. Speeding:

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

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

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

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

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

10. Operating without prescribed signage

**D. RETALIATION PROHIBITED.**

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

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

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

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

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

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

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

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

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

#### E. FINES AGAINST PROPERTY MANAGERS.

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

#### F. CIVIL ADMINISTRATION.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

## I. EMERGENCY PREPAREDNESS

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

Respectfully submitted,

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

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

## **ATTACHMENT A**

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

March 24, 2021

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

Dear Commissioners:

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

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

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

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

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

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

## CAP AND DENSITY REGULATORY SCHEME

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

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

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

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

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

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

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

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

### OWNER-OCCUPIED REGULATORY SCHEME

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

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

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

### CONCLUSION

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

reducing those numbers.

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

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

Respectfully,  
Steering Committee  
15neighborhoods



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

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## Fwd: Owner occupied STVR

1 message

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

Sun, Mar 28, 2021 at 9:35 AM

Public comment

Begin forwarded message:

**From:** dennis engeldorf <drengeldorf@yahoo.com>  
**Date:** March 26, 2021 at 2:00:54 PM PDT  
**To:** [kjacobson@co.lincoln.or.us](mailto:kjacobson@co.lincoln.or.us), [dhunt@co.lincoln.or.us](mailto:dhunt@co.lincoln.or.us), [chall@co.lincoln.or.us](mailto:chall@co.lincoln.or.us)  
**Subject:** Owner occupied STVR

Please consider the owner occupied requirement for vacation rentals. This would cut down the need for enforcement and all the tax payer money it will cost to keep the rentals from overstepping our HOA rules.

Reba Lovelady  
Bayshore

Sent from my iPad



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

**Fwd: STVR enforcement**

1 message

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

Mon, Mar 22, 2021 at 4:02 PM

Public comment.



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

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

From: **dennis engeldorf** <drengeldorf@yahoo.com>  
Date: Mon, Mar 22, 2021 at 3:02 PM  
Subject: STVR enforcement  
To: <kjacobson@co.lincoln.or.us>, <chall@co.lincoln.or.us>, <dhunt@co.lincoln.or.us>

To raise money for enforcement of STVR's, you might consider a higher yearly charge and a monthly charge to pay for officers to work weekends and nights when most of the problems occur.

Reba Lovelady

Sent from my iPad



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





Kristi Peter &lt;kpeter@co.lincoln.or.us&gt;

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

2 messages

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**Wayne Belmont** <wbelmont@co.lincoln.or.us>

Mon, Mar 29, 2021 at 1:07 PM

To: Casey Miller &lt;CLMiller@co.lincoln.or.us&gt;, Kristi Peter &lt;kpeter@co.lincoln.or.us&gt;

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

Wayne

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

From: **Eileen Regan** <emdregan@onlinenw.com>

Date: Mon, Mar 29, 2021 at 12:20 PM

Subject: STR in unincorporated areas of Lincoln County

To: <wbelmont@co.lincoln.or.us>

Good Morning Wayne,

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

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

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

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

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

Thank you for your time and consideration on this matter.

Eileen Regan

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**Kristi Peter** <kpeter@co.lincoln.or.us>  
To: Wayne Belmont <wbelmont@co.lincoln.or.us>

Mon, Mar 29, 2021 at 1:12 PM

Will do.



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

[Quoted text hidden]

# Public Input

Row 5

<b>Name</b>	Michael Edwards
<b>Email</b>	Medwardsnewportbeach@gmail.com
<b>Form Date Field</b>	03/22/21
<b>Topic</b>	Agenda Item
<b>Comments</b>	<p>Like my family, my neighbors live in a small house, that they own in a sea of vacation rentals. Many of them work for Safeway and due to the high price of housing they are in a situation, like us, where many people live in one small house. Apparently some of the folks who spend a week or two per season don't like the fact that they have too many cars and people living there and that they complained to the city and the city is threatening to fine my neighbors. So let me get this straight: 1. Lincoln City needs thousands of low paid laborers to operate the tourist economy here. 2. The Labor Day fires burned hundreds of working class houses. 3. There are few places for low wage workers to live because there isn't near enough housing so...4. Because there isn't enough affordable housing, folks get resourceful and put multiple families in small dwellings and then...5. The folks who own the vacation rentals that in part create the housing crisis don't like the eye sore that such living conditions create so they complain to the city to punish the working people... Is what I'm saying accurate or am I just misinterpreting things? If you want to allow the entire west side of Lincoln City to be given over to vacation rentals and investment properties and simultaneously oversee a low wage economy then at some point you are going to have to figure out a way to provide affordable, safe and clean worker housing. Lincoln City is a beautiful place but there is an ugliness to it as well. People with money who cash in on this location and want their low wage workers don't want to acknowledge that the city has a housing crisis. I work in the schools and see the poverty every day. Kids are homeless and not just a few. Running a city involves more than greasing the skids of capitol. Address this housing crisis. Question the impact of vacation rentals on the affordable housing problem.</p>
<b>Meeting Date</b>	
<b>Subject</b>	Vacation rentals

# Public Input

Row 2

<b>Name</b>	Robin Hochtritt (unincorporated Lincoln County)
<b>Email</b>	robin.hochtritt@gmail.com
<b>Form Date Field</b>	03/27/21
<b>Topic</b>	Agenda Item
<b>Comments</b>	<p>1. Don't forget the 2019 and 2020 Workshop Input. Please review the video/audio and the Comments submitted by people during the Dec 2019 and February 2020 Workshops. Opponents of the STR-nication of Lincoln County have made compelling arguments as to why the 'sharing economy' that lines the pockets of non-Lincoln Co residents must be stopped. 2. Primary Residence of the Owner-Occupier is in Lincoln County. Why not require STR owners to have their permanent residence in Lincoln County? An Owner-Occupier would reduce the Investors who have nary a care about 'community' of unincorporated County and who think they can buy us off with offers of low wage jobs with no benefits. The Owner-Occupier would allow people to keep their homes. The Owner-Occupier would allow neighborhoods to grow because the Owner-Occupier will live here and have relationships with neighbors? If there was a problem at an Owner-Occupied STRs, I'd be fine calling my neighbor. I wouldn't have to worry about being called a snitch or yelled at or accused of making a bogus complaint like has happened. Might not even need to rely as much on enforcement because the Owner-Occupied and I are neighbors and in relationship. 3. How does Owner-Occupier work? One common model has two types of STR Licenses for people who want to rent their primary residences to help with the mortgage and expenses, maybe make a little money on the side. The 'Home Share" STR requires the Owner-Occupier to stay in the house most of the time to supervise the guests who rent a room or two. There is no access to the kitchen and no food is served. It is like a motel. Having no limit on rental nights will encourage people to Home Share. A "Whole House" STR requires the Owner-Occupier to leave the primary residence after the guests check-in. This type of STR has a greater impact on the neighborhood because there is not on-site supervision or assistance available; there is more reliance on neighbors. Therefore, the number rental nights is restricted. The best way to keep renters from churning through residential neighborhoods is to require 14 days between bookings. A Guest may only book for 3 nights, but the next Guests can't check in for 14 days. For neighbors, the longer the booking, the safer it is because we get to know the people. 4. County-wide Caps. In September 2019, Lincoln County had 518 STRs, according to Mr. Belmont. In January 2019, according to the Sheriff, there were renewals and 300 licensed STRs and 175 new applications being reviewed. Now there are between 560-600? I you are going to cap, at least reduce the total licenses to 475, no more. If you are going to cap, think about adopting the Owner-Occupied definition of STR: Home Share and Whole House.</p>
<b>Meeting Date</b>	03/29/21
<b>Subject</b>	We are a County of communities, not commodities. Adopt the

Primary Residence model with your caps.

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# Public Input

Row 1

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<b>Name</b>	Paul and Terri Wellington
<b>Email</b>	pwell13@sbcglobal.net
<b>Form Date Field</b>	03/29/21
<b>Topic</b>	Agenda Item
<b>Comments</b>	My wife and I support the Owner Occupied Primary Residence STR's. We also recognize that this is both a hot button topic for you and that it is a problem that HAS to be solved for both parties. When you live near a residence that is primarily a rental, it can become a very big problem. Thanks
<b>Meeting Date</b>	03/29/21
<b>Subject</b>	STR's

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