

## Gail Henrikson

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**From:** Clatsop County Oregon <clatsop-county-or@municodeweb.com>  
**Sent:** Saturday, September 3, 2022 9:14 PM  
**To:** Clancie Adams; Gail Henrikson; Tom Bennett  
**Subject:** Webform submission from: Short Term Rental Caps/Limits

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Submitted on Sat, 09/03/2022 - 9:13 PM

Submitted by: Visitor

Submitted values are:

**Should there be a total cap on STRs in the unincorporated county?**

No

**Should STRs be capped based on the ratio of STRs to the total number of dwellings in a zoning district? (Example: No more than 10% of dwellings can be STRs)**

No

**Should existing permitted STRs be grandfathered in?**

Yes

**Additional comments**

It's a beautiful place and area. We appreciate the owners sharing their home. We did not bother any neighbors.

**Name**

Dennis and Bonnie Van Sant

**Email**

[dbvansant@q.com](mailto:dbvansant@q.com)

**I live in:**

Outside Clatsop County

# Response to Planning Commission Proposed Changes to STR Regulations, August 2022

We are Ed and Cathy Toews of 89846 Ocean Drive in the Surf Pines subdivision of unincorporated Clatsop county.

We commend the commissioners, both county and planning, for their hard work in trying to balance the various visions of homeowners for their neighborhoods. We admire you for putting up with the innuendo, threats, and defamation; and for continuing to seek the best interests of all in the county. We also appreciate the extensive work done by the county staff in finding, reviewing, and publishing the available information used to reach the current set of recommendations.

## Purpose

We disagree with some of the recommendations and hope we can articulate our reasoning. We realize we have not been party to all of the discussions to this point, and are looking forward to learning more, especially where we are missing information which influences the decision.

We apologize for the length of our response and wish we were able to be more concise, especially since we are not commenting on several topics we have mentioned previously.

## General Questions

We also have a number of questions growing from our review of the information in the agenda packet for your 3 August meeting and will begin with those. Perhaps at least some of them can be addressed during the period of public comment.

1. First, an overall philosophy question mentioned by Commissioner Thompson at the 3 August meeting: Are we intending to allow property owners, their friends and family, and long term renters to violate standards of behavior we expect shorter term renters to uphold? In other words, are we expecting better behavior from short term renters than from others who reside or visit here? If this is not the intention, then we should not be including requirements for STR guests which we do not apply to longer term renters or owners and their families and friends.
2. Second, a question about community development as referenced by Commissioner Wev at the same meeting: If we de-license an STR, how confident are we that the property will become a full-time residence contributing to the dynamic of the community? Conversely, what data indicates new and existing STRs are displacing occupied properties and not empty houses. Our suggestion is that the STRs are more likely to displace the 30% of properties currently unoccupied, rather than the 70% of occupied homes.

Our home is certainly an example of this. If we are no longer able to allow others to use our home, it will stay as a second home and will be empty when we or our family and friends are not using the property.

3. Third, comments made by commissioner Bangs prompt the question of what is the rationale for implementing changes to STR regulations almost immediately after the previous changes to the same regulatory framework. Does it not make sense to gather data on the results of the previous changes before making different or additional changes? We have an excellent complaint mechanism to monitor the effects of STRs in the county and we suggest we should use the data provided to make more informed decisions.
4. We question the description of STRs as businesses and note the courts seem to agree. Of course, we are receiving income from allowing others to use our home so they can be near the ocean, but we suggest, while we may be more of a business than someone renting their property full time, we are less a business than the electrical service in the shop down the street, the landscapers, mechanics, and detailers operating out of their garages, and the home hairdressers, artists, accountants, property managers, appraisers, and others working out of their homes.
5. Are we proposing any mechanism for managing visitors who use properties without going through a rental agency? A percentage of our 'rentals' are to family and friends who are not really renters, but who we allow to use our home for short terms. If paying guests are a problem, we suggest non-paying guests may be a similar risk. And with non-paying guests, there is no property manager to address complaints, leaving neighbors with no recourse but law enforcement.
6. We appreciate the quality of county staff and the commissioners. As mentioned in the 3 August meeting, the 'peers' reviewed are not other rural counties, but more urban areas. There are likely other rural counties caught in the same, internet access driven, surge of home-sharing, and who are looking for an example to follow. We suggest our county has a unique opportunity to effectively address this, and other, shifts in tourism. We can set ourselves up for success for the next decade or two and provide an example for other counties less able to do the same, rather than only looking for ways to cater to the expectations of either STR owners or those opposed to having STRs in their neighborhoods. How have we considered the long term implications of our deliberations to this point?
7. We seem to be assuming short term renters cause more issues than resident homeowners, long term renters, or family and friends using second homes. Have we compared the number of issues with STR guests with the number of similar issues with others? This may be difficult, as there is a complaint mechanism for STRs, but no similar metric for other homes. Perhaps police records could provide an estimate. Anecdotally, the security guard at Surf Pines indicates he does not notice a significant difference between STRs and other homes, except for STRs requiring more assistance with access to the subdivision. Also anecdotally, we receive a much higher rate of complaint when we are using our home than when short term renters are there. This is partly because there are up to 30 in our family, many of whom are teens and young adults, and the

activity level is much higher than with most paying guests (where we limit the number to 16).

8. Who do we expect to monitor and enforce compliance with STR requirements? Some are obvious (licensing, inspections, notifications, etc.), but who will be responsible for making sure an STR guest does not bring in a day guest, is not swimming after hours, does not count 4-year-olds as adults, or violates other restrictions? And, of course, are we expecting other residents and visitors to the community to follow the same behaviors and who should be enforcing these restrictions for non-STR properties?
9. Are we assuming STRs will generally exceed residence occupancy limits? If so, is this assumption supported by experience? Some of the restrictions seem to be either a response to this assumption, or a desire to keep homes underused. Our property is definitely an example of the latter as the current limit of 14 is significantly below the capacity of our home.
10. And one for curiosity's sake only: In the reports, we note a high reliance on AirBnB for rental data. Though the largest of the residence sharing platforms, there are many alternatives to AirBnB. Have we compared the county transient tax records with the AirBnB data to confirm the AirBnB data is representative? We suggest the whole home listing proportion may rise with the inclusion of the other sites but do not expect to see any material shifts.

## Complaint Matrix Evaluation

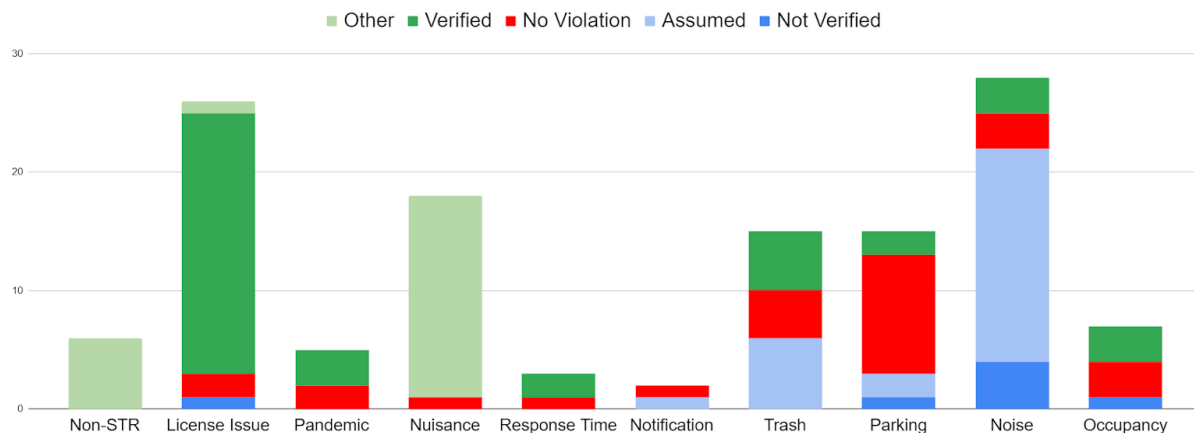
In thinking about how much trouble is caused by short term renters, we did a bit of a numerical review of the list of complaints and generated a very rough [spreadsheet](#) to summarize the complaints individually. We came up with some interesting information:

- There are about 125 complaints overall. Of those, 32, or over 25% were either building code violations or licensing issues, so not very helpful when evaluating licensed STRs.
- Another 18, almost 15%, are public nuisance complaints without enough information to determine whether or not they are actually related to an STR. Given some recent experiences in our subdivision, several residents assume visitors are short term guests when they are not.
- Five of the complaints are response time or notification issues, both of which are secondary to whatever initial problem generated a complaint.
- Another five are pandemic related, so specific to the period of unprecedented, and perhaps confusing, restrictions.
- The remaining 65, about half, related to noise, trash, parking and occupancy so we focussed on these. Of the 65, 20% (13) were verified violations. Another 32, or almost half, were assumed violations, not verified but handled by the property manager anyway. While we would like to believe all complaints are valid, we are troubled by the remaining 30% (20) which were determined to be no violations. We wonder how many of the assumed violations were similarly not valid, given the high proportion of 'no violation' complaints.

- In the end, even if the assumed violations were all valid, there were 45 issues among the 175 STRs over the past 2 and a half years. And these are where neighbors have been notified of the STR and there is an advertised complaint mechanism in place. At the same time, there were the 20 complaints where there was no violation.
- If we take out the two properties with repeated complaints, the numbers are even smaller (32 verified or assumed), though the percentage of 'no violation' complaints does go down a bit to 27% (12). We are also curious to know if the repeat offenders experienced a few complaints from many people or many complaints from a few people. If the latter, perhaps the problem is not the STR, especially given the percentage of no-violation complaints (over 38%).
- Although not included in our evaluation, we note many issues were resolved by the county notifying the property manager who immediately dealt with the offending guests. This suggests, if complainants contacted the property manager directly, problems would be resolved more quickly and the number of remaining issues would be very near zero. Perhaps we should view the complaint register as a record of residents unwilling to cooperate with their neighbors; residents who choose to complain to the county rather than working with their neighbors for mutual benefit. We suggest the county include a column in the complaint record indicating whether or not the complainant has already attempted to contact the property manager.

Some of the above is illustrated by the following chart. Text is small but this chart, along with the underlying information, is included in this [spreadsheet](#). Please let us know if the link does not work and we can email copies as needed. The four bars on the right are the STR related complaints.

All Complaints



## Comments on Proposed Recommendations

### Cap of 149 Units (west of Hwy 101 and all of Arch Cape)

We suggest using the current level of STRs as a long term limit is rather arbitrary. We think, instead, a more focussed evaluation of the impact of STRs, along with future trend projections, would generate a number, or more likely a percentage, with better supporting rationale. The evaluation included in the reports is excellent and should help us determine a less arbitrary limit.

### Zone Caps of 4%

We realize the county is relying on recommendations from others, but the 4% figure also seems arbitrary. Hopefully we are missing something and this value has logical bases. If not, as with the overall cap, we should probably not be imposing limits without clear rationale.

### Permit Length

We question the recommendation to further decrease the permit length. Increasing the income from fees is certainly a benefit to the county but shortened permit length also increases the administrative costs. We suggest increasing the fees, rather than shortening the permit length. What are we, as a county, expecting to mitigate by requiring an annual permit instead of the current bi-annual (or even the previous 5 year) permit? We assume we are missing some information, so please help us understand the benefits of the additional administrative burden.

### Tiered Permit Fee

We accept the intent to charge higher fees to investors than residents but suggest we should, instead, be incentivising those with unoccupied homes to offer them as STRs. These homes share some of the same problems as STRs in that they do not contribute to the fabric of the community. Converting them from unoccupied to STRs may be a community benefit.

We wonder if, in the case of our county, increasing the number of STRs in this way may also increase housing availability. Assuming similar market conditions, if otherwise unoccupied properties are available as STRs, the overall STR availability increases without decreasing other housing availability. This increased supply puts downward pressure on rental rates and STR income. Marginal STR properties will no longer be viable and long term rentals or resident ownership may become more profitable. In other words, those who can afford to have their home sit empty would be used to increase the supply of STRs so other options become more attractive to lower value STRs.

### Restricting Hot Tub and Pool Use

See questions #1 (higher expectations) and #7 (enforcement) in the general questions above.

## Require Annual Inspections

As with the discussion of permit length above, we question the benefit of increased inspection frequency. If county staff are finding significant deficiencies during inspections, then increased inspection frequency is needed. But if most inspections find no issues of significance, we should probably make better use of county resources. In other words, what benefit are we, as a county, assuming will accrue as a result of increased inspection frequency?

## Prohibit Events

See questions #1 (higher expectations) and #7 (enforcement) in the general questions above. We have held weddings, corporate retreats, seminars and training courses, and many birthday and anniversary celebrations at our home. We are not sure why STR guests should not be allowed to do the same. Perhaps we need some regulations to help short term guests meet the behavioral expectations for all residents, but an outright ban seems too restrictive.

## Prohibit Non-Paying Day Guests

See questions #1 (higher expectations) and, especially, #7 (enforcement) in the general questions above. When we allow STR guests to use our home, we are providing a temporary residence for them. To say they cannot have others over for the day seems an unacceptable and unenforceable restriction. And, what benefit are we assuming we will gain even if we are able to implement and enforce this restriction?

## Require STRs to be the Primary Housing Unit

This seems to be contrary to the tiered fee as this prohibits some resident landlords while the tiered fees seem to encourage the same group.

## Unleashed or Barking Pets

A new and strange environment and a radical routine shift can be distressing to pets. Unfortunately, many STR guests do not realize this and expect their pets to remain calm and quiet. This restriction is probably required to help STR renters behave in the same way as other residents. On the other hand, putting these into short term rental requirements is probably imposing the restrictions on the wrong audience as guests are not likely to make themselves aware of county ordinances regarding short term rentals. And, as with other comments above, who is responsible for enforcement?

In our case, we choose to prohibit pets entirely, partly for the benefit of our neighbors.

## Immediate Revocation of Permit

We question the need for this provision, but, if this measure provides some level of comfort for other residents of the county, there is no harm in including this enforcement tool.

## Additional Parking Restrictions

As with the pet requirements, these clarifications may be needed to help short term guests meet the same expectations as longer term residents. On the other hand, as mentioned above, for both parking and pets, we are not sure how STR guests will be made aware of county ordinances regarding STRs, and who is responsible for enforcement?

## 100 Foot Separation

We believe this accomplishes the opposite of its intent. In the extreme, if all STRs were lumped together in a single location, issues and complaints would be restricted to the few residents immediately adjacent. By requiring separation, we are guaranteeing that every STR will have non-STR neighbors on all sides. In our opinion, encouraging STRs to be adjacent to each other may, actually, be a better approach.

Another problem with this requirement is the property use disparity. If one property is an STR, all immediately adjacent properties are restricted from similar usage. To allow one property owner an opportunity which denies all adjacent property owners the same seems unacceptable. First past the post seems a poor way to manage property usage.

## Conclusions

We very much appreciate the effort and approach of the county staff and the commissioners in attempting to manage this rather polarizing issue. We are concerned by the apparent reliance on other jurisdictions rather than seeking responses better suited to the unique needs of our county. We also question the assumptions behind some of the proposed provisions and hope our comments are helpful in moving this process forward.

Thank you for your time reading to the end.



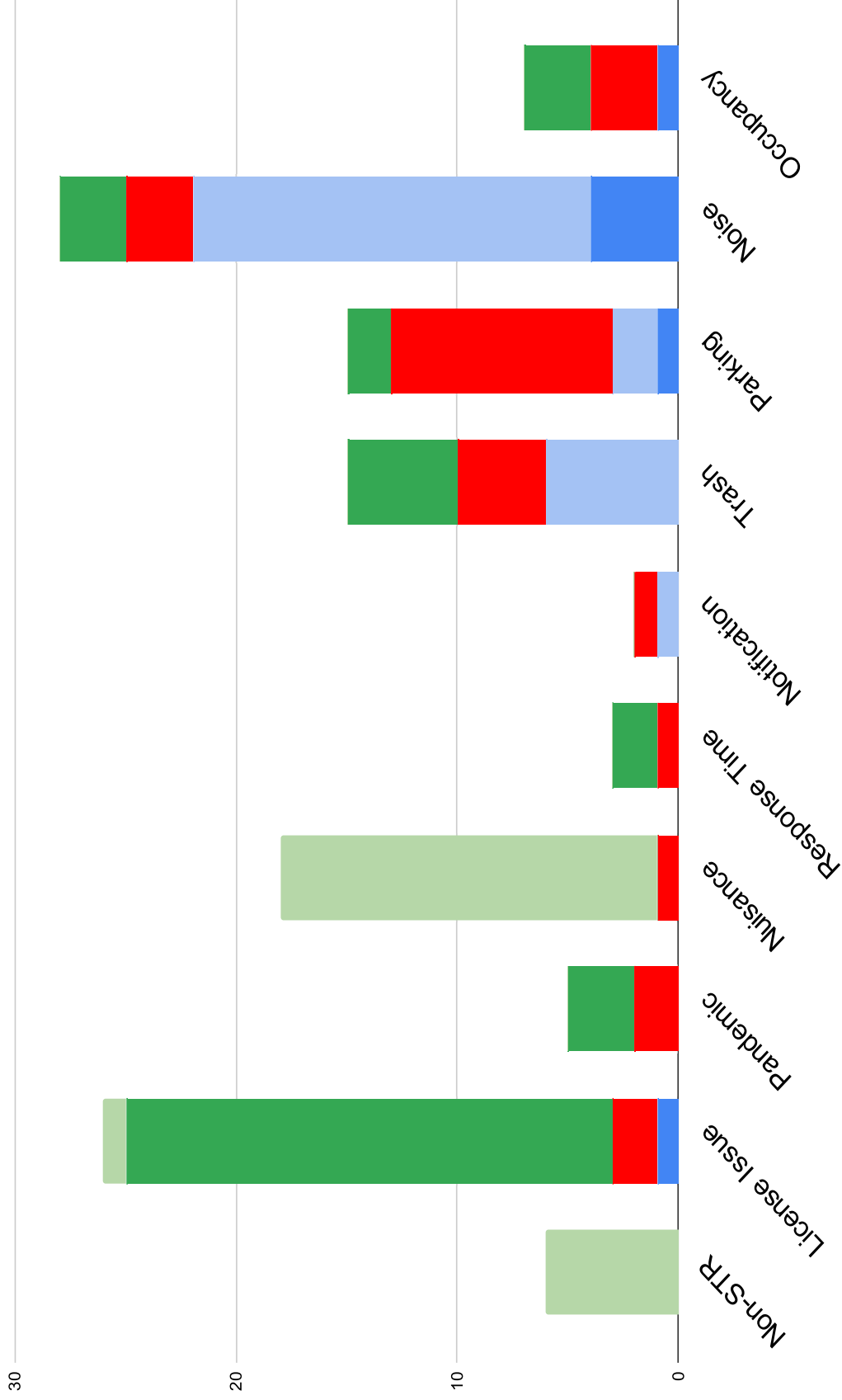






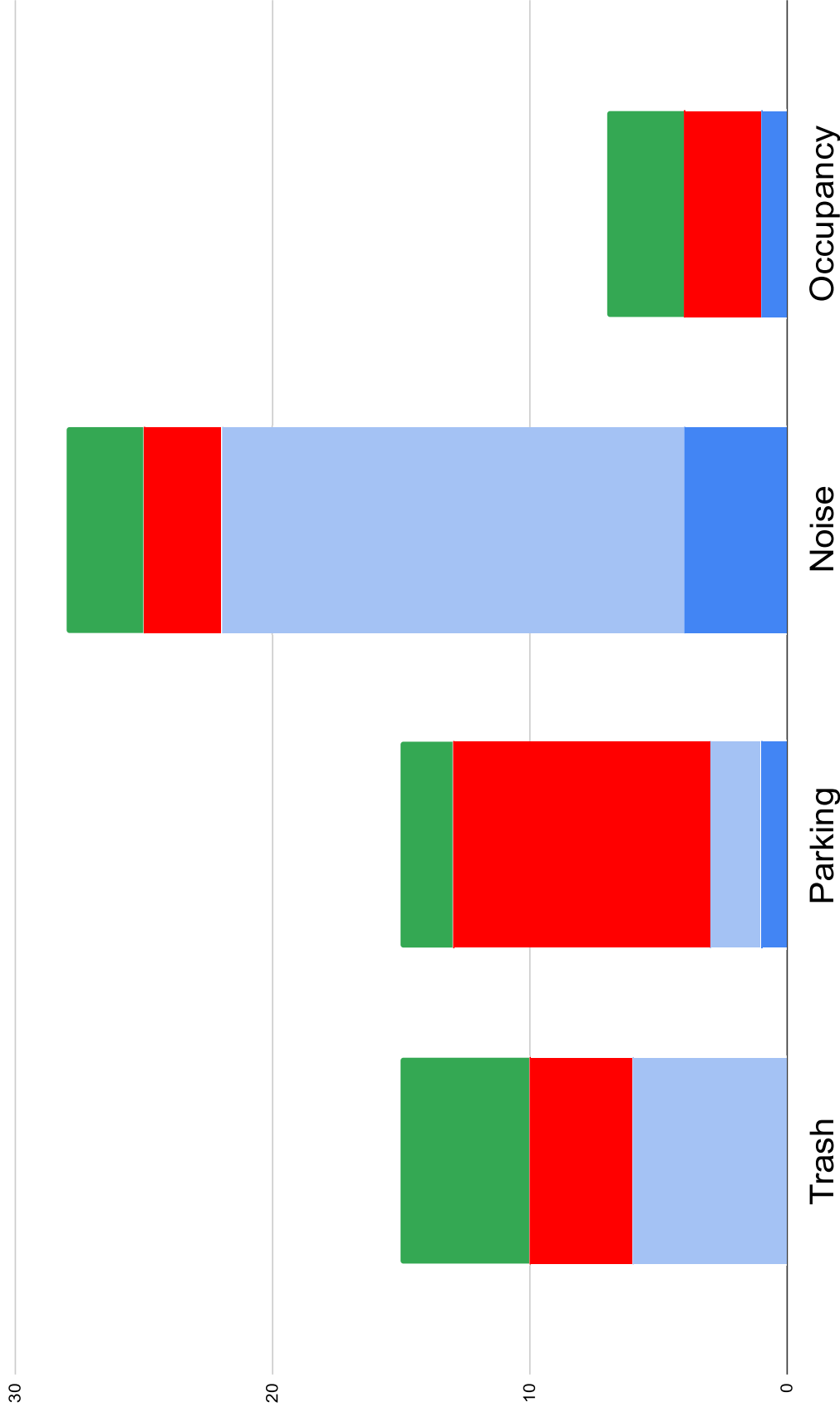
# All Complaints

■ Other ■ Verified ■ No Violation ■ Assumed ■ Not Verified



# STR Specific Complaints

■ Verified   ■ No Violation   ■ Assumed   ■ Not Verified



## Gail Henrikson

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**From:** Clatsop County Oregon <clatsop-county-or@municodeweb.com>  
**Sent:** Saturday, September 3, 2022 3:14 PM  
**To:** Clancie Adams; Gail Henrikson; Tom Bennett  
**Subject:** Webform submission from: Short Term Rental Caps/Limits

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Submitted on Sat, 09/03/2022 - 3:14 PM

Submitted by: Visitor

Submitted values are:

**Should there be a total cap on STRs in the unincorporated county?**

No

**Should STRs be capped based on the ratio of STRs to the total number of dwellings in a zoning district? (Example: No more than 10% of dwellings can be STRs)**

No

**Should existing permitted STRs be grandfathered in?**

Yes

**Additional comments**

We have been very grateful to rent a lovely home a few times in Clatsop county. We are quiet people, grateful to be able to enjoy the solitude of an ocean front property. We think it is important that home owners be able to decide to rent their own property to respectful renters whenever they want.

**Name**

Gayle Atteberry

**Email**

[atteberrygayle6@gmail.com](mailto:atteberrygayle6@gmail.com)

**I live in:**

Outside Clatsop County

## Gail Henrikson

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**From:** Clatsop County Oregon <clatsop-county-or@municodeweb.com>  
**Sent:** Friday, September 2, 2022 11:26 AM  
**To:** Clancie Adams; Gail Henrikson; Tom Bennett  
**Subject:** Webform submission from: Short Term Rental Caps/Limits

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Submitted on Fri, 09/02/2022 - 11:26 AM

Submitted by: Visitor

Submitted values are:

**Should there be a total cap on STRs in the unincorporated county?**

Yes

**Should STRs be capped based on the ratio of STRs to the total number of dwellings in a zoning district? (Example: No more than 10% of dwellings can be STRs)**

Yes

**Should existing permitted STRs be grandfathered in?**

Yes

**Additional comments**

Re: grandfathered question: Then they can be phased out as new owners take over. Also, while I am Not sure if 10% is the appropriate percent, I do think that looking at percentage is a good way to start. The argument of: "I can't afford this second home if I can't offer it as a STR" doesn't seem like they can afford a second home, then.

**Name**

Sande Brown

**Email**

[sandemike@msn.com](mailto:sandemike@msn.com)

**I live in:**

Astoria

## Gail Henrikson

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**From:** Clatsop County Oregon <clatsop-county-or@municodeweb.com>  
**Sent:** Friday, September 2, 2022 5:29 AM  
**To:** Clancie Adams; Gail Henrikson; Tom Bennett  
**Subject:** Webform submission from: Short Term Rental Caps/Limits

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Submitted on Fri, 09/02/2022 - 5:29 AM

Submitted by: Visitor

Submitted values are:

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Yes

**Should STRs be capped based on the ratio of STRs to the total number of dwellings in a zoning district? (Example: No more than 10% of dwellings can be STRs)**

Yes

**Should existing permitted STRs be grandfathered in?**

No

**Name**

David Lehman

**Email**

[davidhmn@gmail.com](mailto:davidhmn@gmail.com)

**I live in:**

Astoria