

Gail Henrikson

From: Clatsop County Oregon <clatsop-county-or@municodeweb.com>
Sent: Tuesday, August 9, 2022 5:51 AM
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 Tue, 08/09/2022 - 5:51 AM

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

Private property rights must be respected.

Name

James Schaff

Email

jamesschaff@msn.com

I live in:

Unincorporated county

Gail Henrikson

From: Clatsop County Oregon <clatsop-county-or@municodeweb.com>
Sent: Tuesday, August 9, 2022 5:21 AM
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 Tue, 08/09/2022 - 5:21 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?

No

Additional comments

Regarding question #2, for full time residents subjected to the presence of multiple STRs, clustering of STRs should not be permitted; only permit one or two STRs on resident's block such that no more than one STR borders the resident's property.

Name

Richard Mullen

Email

rich.mullen.131@gmail.com

I live in:

Gearhart

Gail Henrikson

From: Clatsop County Oregon <clatsop-county-or@municodeweb.com>
Sent: Tuesday, August 9, 2022 1:11 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 Tue, 08/09/2022 - 1:10 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

I have a short term rental in Arch Cape with absolutely no problems for a number of years. We get along with our neighbors, respect the neighborhood, and enjoy part time living at the beach. Short term rental allows people to buy and enjoy beach properties by covering some of the otherwise difficult costs. Meantime, we pay serious taxes and fees that support Clatsop County. We also fully participate and involve ourselves in community activities as much or more than many "full time," residents. We have reviewed data regarding complaints and concerns about ST rentals in Arch Cape. They are few and far between, typically not serious and quickly resolved with existing regulations. We observe that complainants are few, and often represent folks who simply don't like change in their backyard. I recall Falcon Cove statistics showing the vast percentage of complaints by just a few individuals. Accordingly, I believe there is much ado about nothing...a waste of county time and resources in response to a vocal, sometimes strident minority. Tourism drives the economy of our coastal communities, and ST rentals are an important component of that economic engine. The free market will drive how many ST rentals exist. If a cap should be deemed necessary for some communities, it would seem smthg more like 50% would seem reasonable. Again, I see little harm from people using their beach properties for ST rental and great benefit to the overall beach community and economy. Current regs are more than ample to address the VERY FEW problems that occur. Time to back away from this non-problem and focus on more important things the county could accomplish (eg like paving a few roads in Arch Cape).

Name

MICHAEL DRAIS AND DEBORAH BURTON

Email

okiedokie33@gmail.com

I live in:

Unincorporated county

Gail Henrikson

From: Clatsop County Oregon <clatsop-county-or@municodeweb.com>
Sent: Tuesday, August 9, 2022 11:32 AM
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 Tue, 08/09/2022 - 11:32 AM

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

Grandfathered status should be contingent on a history of no problems/violations in the STR.

Name

Sonja Pillsbury

Email

spillsbury81@gmail.com

I live in:

Warrenton

Gail Henrikson

From: Board of County Commissioners
Sent: Tuesday, August 9, 2022 10:33 AM
To: Courtney Bangs; John Toyooka; Lianne Thompson; Mark Kujala; Pamela Wev
Cc: Gail Henrikson; Media
Subject: FW: Comments on Recommendations presented to Commissioners by staff on 8/3 last week

From: Rob Chambers <Rob.Chambers@microsoft.com>
Sent: Tuesday, August 9, 2022 10:26 AM
To: Board of County Commissioners <commissioners@co.clatsop.or.us>; Clatsop County Administrators <CountyAdmins@co.clatsop.or.us>
Cc: Rob Chambers <Rob.Chambers@microsoft.com>; 'robandkris@thinkman.com' <robandkris@thinkman.com>
Subject: Comments on Recommendations presented to Commissioners by staff on 8/3 last week

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.

Good morning, Clatsop County leaders and policy makers!

I recently downloaded and read the full report from the University of Oregon, on which the recommendations presented last week by County staff to County Commissioners were based.

My intention in writing this email to you is to share with you what I found, the questions I have, and to ask for your help. To focus the conversation, here are a list of key points and issues:

- (1) The report recommends permitting STRs in Premium Areas with Monitoring (pg. 8):

“• Permit STRs in Premium Areas with Monitoring”

The report backs that up by pointing out that allowing STRs in premium areas is in line with the sharing economy's values. And, in fact, this is a more inclusive approach to land use management as it gives more access to more homes to more people (pg. 34):

Permit STRs in Premium Areas with Monitoring

If community conversations come to the conclusion that STRs are to be limited to certain areas of a community, consider permitting the use of STRs in premium areas. In this sense, premium areas can be considered areas of city with abundant natural resources: places tourists and visitors flock to where STRs tend to be most prevalent. Allowing STRs in these areas are in line with sharing economy values. In that, more people are given access to homes in superior locations.

QUESTIONS:

- Why are we then doing the opposite, and only restricting them in Premium areas?
- Why are we not considering restricting in all non-Premium areas, yet allowing it in Premium areas?

- (2) The report was written by a non-yet-graduated Masters student, Sadie DiNatale; it was not written by University of Oregon academia. Having said that, Ms. DiNatale was quoted recently saying that community conversations

should focus also on improving transparency and building an understanding of the role technology plays in the way we are changing the ways we use physical spaces, and that the policies created should be equitable and flexible. ([link](#))

I quickly learned that the subject is incredibly nuanced,” she said. “While best practices to managing short-term rentals exist, proper management is not solely a matter of constructing equitable policies and flexible regulations. Equally important are the conversations we have in our communities to improve transparency and build an understanding of the role technology plays in changing the way we use our physical spaces.

I find the policies being considered by Clatsop (based on last week’s presentation) neither equitable nor flexible. I also see no attempts by county to help educate the community in the “changes” that the “sharing economy” is bringing to all thriving communities.

QUESTIONS:

- Why do we not want to be leader in the modern world’s adoption of the “sharing economy”?
- Why do we want to discount the modernization of our society?

- (3) The report recommends limiting STRs in proximity to other STRs, only when certain areas nuisance complaints exceed 25 complaints in a calendar year. (pg. 9)

Limit STRs in proximity to other STRs (deconcentrate) when city-wide/area-specific nuisance complaints exceed 25 complaints in a calendar year.

If we focused exclusively where there are complaints, that would not include all properties west of 101, nor in Arch Cape specifically. Arch Cape has a much lower “density” of recorded complaints than the highest offenders. Cove Beach, however, has the largest number of recorded complaints. It’s also important to note that I’ve said “recorded complaints” intentionally, as many of the complaints have not been substantiated, and many debunked, which is the reasoning behind some of the changes in the recent ordinance required “proof” and accountability for false reporting. Thus, it seems to me from this, no additional proximity limits are required, but if they are, it’s exclusively in Cove Beach.

QUESTIONS:

- Why are we targeting areas with lower-than-average recorded complaints, with recorded complaint levels well below the recommended complaint threshold?
- Why are we still using de-bunked “complaint” data? As several community members spoke on the call this weekend, many of these complaints are invalid.
- Why aren’t we considering only enacting limits in Cove Beach?

- (4) The 4% of total housing stock is an ancillary recommendation for cities, not for counties (pg. 38)

Ancillary Regulatory Recommendation with Thresholds for Cities

1. Restrict (cap/limit) STRs or incentivize moderate use if STRs account for more than 4% of total housing stock.

QUESTIONS:

- Why are we using city recommendations for our unincorporated county areas?
- Why are we applying the 4% to zones, and not the full jurisdiction as the report recommends for cities?

- (5) The report has completely different recommendations for Counties and Regions that don’t include the majority of what was in the recommendation from Clatsop staff (pg. 39):

Recommendations for Counties and Regions

Smaller jurisdictions may have difficulties managing STRs. That said, counties/regions should help facilitate proper management of STRs.

1. Levy a transient lodging tax at the county level if barriers exist for cities to impose their own (due to population size, low prevalence of STRs in individual communities, administrative limitations, etc.).
2. Establish a regional representative or liaison to attend Sharing Economy Committee meetings (see first “Recommendation for Oregon”). Regional liaisons should represent multiple counties.

QUESTIONS:

- Why are we not using the County recommendations for our unincorporated county areas?
- What makes us believe that our unincorporated county is more like a city than an actual county?

(6) The report analysis is focused on cities of 100,000 or less (pg. 12)

“This analysis specifically looks at cities with a population of less than 100,000”

QUESTIONS:

- Again, why are we using city recommendations for our unincorporated county areas?
- Why do we believe using a report’s recommendation for cities that didn’t even include data from Clatsop County’s STRs?

(7) The report noted that the STRs in the data considered were more often in lower income neighborhoods (pg. 6)

“• Short-term rentals tend to be in lower income neighborhoods more commonly.”

QUESTION:

- Why do we think recommendations for “lower income neighborhood” areas are in line with the Premium areas like Arch Cape west of 101?
- Do you think an average home price of 1.7 million dollars (beach front in Arch Cape) is a lower income neighborhood?

(8) The report says Oregon can and should become a leader in “the sharing economy” affairs (pg. 39)

Oregon can and should become a leader in the management of STRs. This will require the state to become a leader in sharing economy affairs.

I’ve worked at Microsoft for almost 30 years, and it’s an incredible organization, especially now under Satya Nadella’s leadership. One of the principles of culture we have is working with a “growth mindset” and not a “fixed mindset” ... We need to encourage our community to grow and to adopt new ways of looking at change and the challenges that they bring. Everyone can learn, everyone can get smarter, and everyone can grow. Part of that is recognizing that change is inevitable, and we need to understand how to embrace it, and grow with it. IMO, the gig economy is the future. Governments and their leaders that embrace it will prosper; those that do not, will not.

QUESTIONS:

- Why don’t we want to be a leader in the sharing economy?
- Are we using a “fixed mindset” and not a “growth mindset”?

(9) The report says that banning STRs will not fix housing availability or affordability issues (pg. 39)

Literature attests that the 'banning STR outright' policy response will not likely fix housing availability or affordability issues

QUESTIONS:

- Why are trying to cap or limit STRs in the first place?
- The report says it can't be to fix the housing situation...

IN SUMMARY

As I said in my presentation this weekend on the call, it seems to be either:

- To address complaints, or
- To address housing concerns, or
- To be exclusionary and discriminatory.

We've debunked many of the complaints and we have new ordinances and policies in place to try and improve, passed on 6-7 weeks ago.

The report itself being used to suggest caps and limits clearly state that even banning STRs outright will not likely fix housing availability of affordability issues.

So... we're left with being exclusionary... Does Clatsop county really want to do that?

REQUEST

- (1) Don't ban STRs
- (2) Don't limit STRs west of 101 more than the recent ordinance already does
- (3) Stop reporting on "debunked" and "unsubstantiated" complaint data; it doesn't help the conversation move forward
- (4) Give the new ordinance a chance to show its effectiveness, so we can reassess in 2-5 years as the report suggests
- (5) Lift the moratorium and let property owners get back to their lives. The choices being made here will make or break some of those in your community.
- (6) Please be careful and detailed in your own analysis of the University of Oregon report on STRs... I have tried to be... Please do the same.

Please read the report for yourself. Feel free to use my notes above as your guide to reading the report to save time, if you'd like, but I encourage you to read the full report to ensure you have the most unbiased and balanced view.

Thanks.

Rob Chambers

Rob.Chambers@microsoft.com

robandkris@thinkman.com

(206) 465-5709

Gail Henrikson

From: Clatsop County Oregon <clatsop-county-or@municodeweb.com>
Sent: Tuesday, August 9, 2022 10:26 AM
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 Tue, 08/09/2022 - 10:26 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

The county would seem to be less exposed to legal challenges if they allow for grandfathering of existing STRs. The STRs change the character of a neighborhood, but so do "second homes" for the wealthy. I think that Oregon should modify its taxing on second homes. That could be a way to offset some anticipated revenue from lodging taxes.

Name

Jay Blake

Email

jaylori1986@gmail.com

I live in:

Unincorporated county

Gail Henrikson

From: Clatsop County Oregon <clatsop-county-or@municodeweb.com>
Sent: Tuesday, August 9, 2022 10:25 AM
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 Tue, 08/09/2022 - 10:24 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

Name

Charlie Waibel

Email

charliewaibel@sellwoodconsulting.com

I live in:

Unincorporated county

Memorandum

Deliver Via Email

August 9, 2022

To: Gail Henrikson, Director
Community Development Department

Cc: Commissioner Mark Kujala
Commissioner John Toyooka
Commissioner Pamela Wev
Commissioner Courtney Bangs
Commissioner Lianne Thompson

Don Bohn, County Manager

Re: STR Recommendations from First Virtual Town Hall – August 6, 2022

Dear Ms. Henrikson,

Thank you for hosting the August 6, 2022, Virtual Town Hall/Public Workshop on short-term rentals (STR). We appreciate your efforts to achieve the best possible resolution of a very complex issue. Having said that, several discussion points were raised by the public at that meeting and are presented below, and just today the LUBA ruling regarding STRs in Lincoln County was issued, which bears on many issues we are discussing. We ask if you and County staff could please address the issues below prior to the next Town Hall, scheduled very hastily for August 17, or postpone the hearing until these issues can be adequately reviewed:

1. **“Unlawfully” Permitted STRs** - One of the speakers and respected members of our community pointedly said Clatsop County has “unlawfully” permitted STRs despite these STRs being a permitted use and the County collecting transient lodging taxes since 1991 (Ord 90-7). The speaker also stated the community was “betrayed by the county” when it approved Resolution 22-05. As you know, the sponsors of the new ballot referendum titled “Referendum to Repeal Clatsop County Ordinance 22-05 adopted 6/22/2022” argue STR permits issued by the county were issued “ILLEGALLY.” If follows from that statement, for the County to approve grandfathering these permits would be another altogether “unlawful” or “illegal” act. This raises many questions, and is inconsistent with today’s LUBA ruling, which states:

*“BM 21-203 therefore presumes that prior to its enactment, STRs were allowed uses in those zones and for purposes of this opinion, we assume that is correct. **ORS 215.130 (5) provides that counties must allow nonconforming uses to continue.** BM 21-203 requires that STRs in those zones cease after a five-year phase out period.”* LUBA No. 2021-118

Other questions are raised: Does the real estate industry (brokers, appraisers, etc.) have an obligation to disclose “illegal” uses of the homes we have purchased or built or is this just a marketing narrative put forth? The public, being invited to consider these issues in a process approved by the Board of Commissioners, should not be swayed by this inflammatory language,

accusing honest property owners in the County of operating their homes illegally, while the County administration remains silent about it. We respectfully request the County Attorney issue guidance and clarify *its* position regarding this inflammatory statement prior to our next Virtual Town Hall. Silence, in this case, is being mischaracterized as affirmation, and that message will be a clarion call to the public to repeal Resolution 22-05 and cast the entire “caps” and grandfathering issues into a costly legal morass.

2. **“LUBA Ruling for Lincoln County Strikes Down Ballot Measure Phasing Out Short-Term Rentals”**

This headline from today’s YachatsNews.com sends a clear message from the Oregon Land Use Board of Appeals that we all need to pay attention to in Clatsop County, and elsewhere in Oregon. LUBA invalidated ballot measure 21-203 in Lincoln County in its entirety on the basis that the measure is a clear violation of State law that governs counties. May I suggest that County Counsel make a statement for the public to better understand the facts about a county’s responsibilities and lawful actions regarding permitting vacation rentals in all unincorporated areas of our County? The County has a responsibility to educate the public in this regard, as even The Astorian has been quoted picking up on this “unlawful STRs” narrative.

In a second major element of its ruling, LUBA said the ballot measure and a separate ordinance that prevents the transfer of a vacation rental license when a property is sold, or changes owners, also *conflicts* with the same law. If LUBA ruled that it is illegal to prohibit the transfer of licenses when a property is sold, then maybe Clatsop County could consider striking that amendment? That provision was added to the STR code, despite opposition expressed, but was implemented relatively hastily without much discussion or apparently legal advice.

3. **“Complaints Against STRs”** – in the Staff Recommendation portion of your presentation there is a chart showing data about “complaints” against STR property owners. It shows the number of complaints originating in various zones. Several speakers raised many issues about the problems and biases this chart creates - it fuels the anti-STR sentiment in our community. Assuredly, this chart will be used in the ballot referendum. The problem is this: the chart is simply *misleading* – over the past 18 months, staff has received a large volume of documentation from various constituents demonstrating that a *significant* portion of the complaints cited on that chart were either **false or unsubstantiated**. As a small example, an STR owner reported a complaint filed against his property was attributed to his neighbor.

Yet that same chart appears time after time in multiple public forums about STRs as part of the staff’s presentation. It becomes part of the narrative. It is simply not enough to put the chart up time and time again, each time verbally explaining “we recognize these complaints have not been verified and are in some cases likely harassment or were filed falsely,” and assume that takes care of the issue. The chart reappears at the next public forum with another round of arguments occurring about the “complaints,” accompanied by the promise that the new regulations will hopefully prevent that from happening in the future. The new regulations did not stop the arguments, in part because as we move to address new STR issues, such as “caps,” the same chart reappears. A better solution is to show a chart which contains only *validated* complaints that have been confirmed by County staff to have occurred and violate specific regulations in our code. If that information is not available or cannot be confirmed, instead of a chart, a simple message would be more accurate: “We recognize there have been complaints filed against STRs, but we do not have information to confirm these are validated complaints.” But we will start monitoring and reporting on that in the future under the new regulations we have adopted.

4. **“Grandfathering”** - There was discussion about “grandfathering” and whether a property owner of an undeveloped lot, acquired prior to the issuance of the STR permit moratorium, should have the right to apply for and receive a STR permit once the moratorium is lifted. Like the “unlawful” considerations mentioned above, this “grandfathering” discussion also begs for guidance or clarification from the County Attorney regarding “takings.” If the County believes failure to grandfather in the property rights associated with STRs raises potential liability for the County in respect to “takings,” and might expose the County to legal actions and claims from those property owners affected, that is important to know. The public and the Board of Commissioners need to be informed on this important issue as well.

5. **“University of Oregon Study Does Not Apply”**- however respected the University of Oregon is, this study refers to *cities* and has little applicability to the unincorporated Clatsop County STR discussion. The study, and its 4% STR density recommendation, should be removed from staff recommendations as “a starting point” for discussion.

As you indicated, if this 4% benchmark were applied to the entire unincorporated county, we could have 4x as many STRs as we have today! There are multiple locales, including within Clatsop County and particularly in tourist destinations, where much higher STR density is permitted, that could just as easily be the starting point for discussion. In fact, the best “starting” point is that there is no universal standard because every community is different, and the location of the vacation rental properties is different. As was pointed out, the STR density among properties on the beach in Seaside could be as high as 50% because that is a tourist destination, and that use is best suited for that location. Similar considerations would apply to Arch Cape, Cove Beach, and many other areas in unincorporated County. It is no surprise the highest number of STRs in unincorporated Clatsop County is in Arch Cape. Each of these communities or zones should be evaluated based on the unique characteristics of that community or zone. To foster a fair and open dialogue on this subject, future staff recommendations should exclude such prominent reference to a study that has little bearing on unincorporated Clatsop County, and which might mislead the public.

We appreciate your consideration of these recommendations and are hopeful you will address them prior to our next public meeting.

John and Maria Meyer

A handwritten signature in black ink that reads "John & Maria Meyer". The signature is written in a cursive, flowing style.

31865 Clatsop Lane
Arch Cape, Oregon 97102