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From: Steve McIntire
Sent: Monday, July 10, 2017 5:17 PM
To: City Hall
Subject: Vacation Rentals

I reviewed the past 6 months of minutes and I could not find discussions regarding vacation rentals. I also did not see code enforcement issues as to vacation rentals. Finally, I also could not locate the proposed changes.

While I am sure there will be members of the public that will wish there were fewer and/or no new vacation rentals, I would say that view might be a bit short-sighted and unnecessary. Fewer vacation rentals would adversely impact revenue for this town. People love to vacation here. The City receives revenue from short-term rentals in addition to licenses and other fees. This revenue is in addition to the dollars that pass through the community as part of the vacation process. I believe addressing the concerns can happen short of limiting short-term rentals.

I also think limiting the number of units is a significant decision at the expense of the property owner's ability to reasonably manage his or her property as appropriate. If the concern or impetus for limiting the number of vacation rentals are for objective and not personal reasons, e.g., noise, parking, etc., then it seems focusing on the enforcement tools would be appropriate. We should address legitimate concerns while balancing the revenue concerns along with property owners' interests. I would hope that we can look to strike a reasonable balance among all groups. As I review the existing rules, I see many tools to positively impact concerns. For example, local representation, contact numbers and such. An expectation that owners will be responsive to issue and consequences for non-compliance up to and including fines of \$600 and revocation of the license. Upon a first complaint, the owner/agent is required to with a city official to discuss how future complaints can be avoided. The ordinance has a progressive process to it. In sum, it seems to me the tools are in place and it's more about how to ensure the tools are used appropriately.

I had a house in Bend, Oregon and I witnessed firsthand how a small group of people along the river on the Westside was able to convince the City Council there was an issue that required action in the way of limiting the number of vacation rentals in this area. The action of a few adversely affected a considerable number of people that had done nothing wrong.

It was a sad affair as objective information did not guide the decision. There was an organized group of a few homeowners that would speak at City Council meetings lamenting on parking and noise issues. When the data was objectively reviewed, however, it was clear that parking issues were rarely by the vacationers; rather, people that worked at nearby businesses were using neighborhood parking. In addition, the City commissioned a study regarding noise and the study indicated that of all the noise complaints something like fewer than 2% were due to vacation rentals. And, most of those were concentrated on one street along the river. The revisions to the ordinance were passed anyways despite the evidence indicating the issue was materially overstated. While I am not saying Yachats in the same situation as Bend, I could not find any meaningful complaints about vacation rentals within the minutes, e.g., Code enforcement, public or councilor comments. Knowing the data is helpful and then trying to find the right balance should control the direction. Most people work hard to protect their investments and comply with the law. Thus, focusing on the repeat offenders or a specific problematic neighbor seems appropriate and fair, especially to those that are not issues. Those that do not comply with expectations should (as allowed by the current Code) find themselves towards a path where the consequences associated with non-compliance increase with repeat violations. Perhaps in addition to owner compliance, why not fine the offending party directly and enforce the Code? What about requiring all owners to supply the contact information that is required to be provided as part of the license process to the neighbors so that the owner/agent can be contacted should an issue arise? What about requiring the owner to include in the rental agreement that failure to abide by the parking and noise ordinance may lead to an immediate termination of the stay?

As to fees for vacation rentals, I would suggest fees correlate to efforts required to manage the program. Personally, I have no objection to paying fees to support a program, but I hope there is some articulable nexus to the amount, e.g., we have one FTE that manages the program, educates guests, contacts owners re issues, etc. Perhaps the fee could contribute to the hiring of someone to enforce any noise and parking issues as if there are continuing complaints it appears enforcement is down.

The licensing process seems quite comprehensive. I am not sure change is necessary here.

As to identifying homes that are operating outside the Code, perhaps a marketing campaign to the community members highlighting a number to call to help identify those folks operating outside of the rules. Perhaps some significant fine to the non-complying homeowners as well where the Code is knowingly violated.

One observation is section G quoted below. Compliance seems rather difficult and the rule is too strict. For example, one could find him or herself in violation by simply setting on a deck having a conversation or the smoke from an outdoor grille. I would hope that vacationers would not be differently from renters or owners in this regard. They've leased the property with possession rights for the time they are there.

G. There shall not be any noise, litter or odor noticeable at or beyond the property line resulting from the use of the dwelling as a vacation rental.

In sum, it seems the tools are in place, and, perhaps, before further restricting one's ability to manage his or her property, a minor adjustment to enforcement could be made as well as fines to the occupants where necessary.



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