

Letters received regarding Transient Rental Task Force Report – January 2012 – Batch 2

Name	Concerns
Don and Roberta McKay	Complaint Process Loss of goodwill and income
Ed & Barbara Wintergalen	Complaint Process
Michele Novak	Number of Cars Definition of Sleeping Area Complaint Process
Rev. Stäna Knez	Complaint Process
Shevach Lambert	Complaint Process Sleeping area definition Discrimination against renters
David Virden	Don't discourage all renters because of the actions of a few
William Bedell	Complaint Process

To Whomever it May Concern:

Re: regulations concerning vacation rentals, Yachats, Oregon

As regular renters of vacation homes along the ocean front in Yachats, Oregon, we are concerned about regulations and restrictions concerning those businesses in Yachats. We urge you to work with these rental businesses with the same rules and considerations you do with other businesses in your area. If you had three complaints against a restaurant you would not just shut them down. If you used that logic you wouldn't have any restaurants in your town. The complaint process and investigation needs to be fair and reasonable. Remember that these rentals pay taxes and bring business to the Yachats area. Just because some people don't like the rentals and want to try to keep them out isn't enough reason to unfairly restrict their business.

Make a distinction between the vacation rental businesses' complaints and those complaints against homes that are vrbo (vacation rentals by owner) . Maybe these are the homes being complained about and not the regular businesses. Places like Oregon Vacation Rentals, Yachats Village Rentals make their rules and occupancy regulations well known in their rental agreements.

We have rented in Yachats for years from Yachats Vacaton Rentals (Michael Medford) and are very pleased with the properties we have used. We haven't been aware of problems with neighbors when we've been there. The properties are well maintained and an asset to the neighborhood. We will continue to rent from Mr. Medford as long as we can. We value his properties not only for our own memories and love of the area but because when we come we support the community. We spend our money in the businesses in Yachats. We have been coming to the Yachats, Florence area for over 45 years and know the area well.

We also feel that only the immediate neighbors should be able to make complaints about the renter not just someone coming by who doesn't know what is going on or have no real stake in the area. Neighbors need to make the problem known to the rental businesses and give them a chance to remedy the situation. The rental business should be able to refuse to rent to individuals and/or groups who have caused problems or complaint situations. Keep the rental properties in your town, you need them.

If these places go away we will too. You will lose revenue from taxes, business purchases and most of all the goodwill of the consumer. I learned to drive in Honeyman State Park, remember when the market was McKay's, remember when the Blue Whale was ½ the size it is now, remember some of the businesses that have left the area and not been replaces. Don took the picture and gave it to Bob and Joyce when they owned the Oregon House, that the new owners have put on their sign. (we have the negatives) Though we have traveled the world we always come back to the Oregon coast and Yachats area. The hotels/motels in the area don't meet our needs – talk about loud music, obnoxious noisy neighbors in the next room and kids running up and down the halls all night....

Work with the area businesses, keep their goodwill bringing visitors to the area. Those visitors are a source of income, and perhaps at a later time, they will in-turn become part of the community rather than going to Newport, Lincoln City or Florence.

Don and Roberta McKay

We are long-time visitors to the Oregon Coast. Our almost-annual visits have been most frequently to Yachats, where we have stayed in vacation homes available through YVR, as well as your community's motels. We hope to continue these visits in the future.

We have become aware of the Yachats Transient Rental Task Force recommendations for modifications to the Code in Section 4.08 and to the current processes for licensing and compliance. While we view many of the modifications as being conducive to the safety and overall welfare of both your permanent residents and your visiting guests, we are very concerned about the apparent sacrifice of fairness and "due process" justice with respect to the suspension and/or termination of a TR license.

We therefore mainly support the position of the Greater Yachts Vacation Rental Association with respect to their suggestions relative to the complaint process. Namely:

- A. Citizen complaints must show a direct negative impact on their dwelling or personal property, and should only come from direct neighbors. This may include trespassing, impeding a neighboring property in any way, persistent loud noise, litter, and the like. The general standard should be that if the behavior or actions being reported would be unacceptable if the person doing them were a resident.
- B. The neighbor should produce proof that they contacted the rental management company about the problem and gave them reasonable time to remedy the situation prior to filing a complaint.
- C. A minimum of three valid complaints (only filed after the rental company or owner failed to respond appropriately and in a timely manner to problems that directly impact an immediate neighbor) should be required before the matter be considered by the City.
- D. Rescinding a license must provide due process to owners and rental companies, and must be done in a public hearing after being properly noticed (per Oregon open meeting laws) at a minimum of one City Council meeting prior to the final hearing where a decision would be rendered by vote of the Council and Mayor.

We respectfully request your consideration of these suggestions,
Ed & Barbara Wintergalen

I have rented homes in the Yachats area for over 20 years. As a native Oregonian and a photographer who has covered this state, I am continually drawn back to the beauty and the community of Yachats. Michael Medford, Yachats Village Rental, has notified me that the Transient Rental Task Force has made some recommendations that could negatively affect owners and renters.

I believe the code should be left as is, w/the # of approved parking spaces the same as the # of cars that may park @ your home(day or night). The sleeping area should be defined as a sleeping area that has proper access and egress and a bed or beds.Finally, the complaint process does not reflect what I see in Yachats, people talking to each other. Hearings w/both parties involved need to be held before changes are made to a rental. Please don't think of the rentals in Yachats as one might in a gated community. My husband and I love the area,the galleries,the former nursery and the incredible coast line. Please remember the positive you have and not change it. Michele Novak

I am writing with concern about the proposed changes to regulations regarding vacation or transient rentals. My family and I have considered Yachats our favorite place to vacation for 17+ years. We visit 5 or 6 times per year, always renting a vacation home which we treat as well as our own home.

Learning that the proposed changes are meant to constrain renters beyond what applies to the owners or other village residents is disconcerting and discouraging. After all the years we have visited feeling welcomed by the shopkeepers, restaurants and rental agents, it's most confusing to feel that the City of Yachats considers us less than desirable. Perhaps because we spend money and offer appreciation to the businesses we enjoy and are grateful for in your fair Village, they have never indicated a dissatisfaction with our visits.

Further, I find the suggested complaint process distressing. Certainly the need for public meetings and due process applies even to the actions of those of us who visit and offer a revenue stream to your village, as well as those who own homes and pay property taxes.

I look forward to hearing from Mayor Brean about how these questions and proposals are settled. I trust that Mayor Brean and the Council will come to the conclusion that Yachats is not the place for this kind of discrimination.

Sincerely,
Rev. Stăna Knez

Dear Yachats City Council,

As a long time renter of various houses and accommodations in the lovely town of Yachats, I view with deep concern some of the recommendations of the Transient Rental Task force. It appears that the recommendations adopt a surprisingly hostile view toward those of us whose presence for many years have supported the restaurants, gift shops, and other businesses in Yachats.

My main objection to the recommendations is the way it appears to discriminate between "transients" (itself a rather negative term for renters) and owners of city properties. I strongly question why such changes in the number of cars allowed on a property or in those areas designated as sleeping spaces should distinguish between renters and owners. Specifically, who is to decide when a "violation" is committed by an owner or renter? How could they tell? Why are renters singled out for discriminatory treatment?

While the need to regulate the number of vehicles on any given property is understandable, such regulations should be applicable to all residents, whether 'transient' or not. The proposed changes in the definition of sleeping areas ignore the realities faced by many parents with small children, and would drive up the cost of any rental.

My other principal objection concerns the apparent lack of any recourse with which property owners or renters can contest complaints. According to my reading of the proposals, it appears that any cranky neighbor can complain three times, and with no investigation or substantiation of the complaint, an owner can lose their license to rent. This is highly undemocratic, and unworthy of the community of Yachats. I have regarded Yachats as almost my second home for over twenty years now, renting there 3-4 times a year or more. The recommendations seem to be telling me that my presence is not really welcome, and will be subject to hostile monitoring if I choose to come - an unlikely prospect, should these recommendations be adopted.

Yours,
Shevach Lambert
Springfield

Hello! As a frequent visitor to Yachats and as a "transient renter," I wanted to add my two cents to the current debate over transient renters. As someone who is very respectful of both the property I rent and to the surrounding neighborhood, I understand the concerns of residents who are negatively impacted by visitors. I have no problem with limiting vehicles and noise from people who rent property. I just hope that in people's zeal to curb the activities of a "few bad apples" that it doesn't lead to an overreach and discourage those of us who are respectful of the property we rent from visiting your beautiful town.

Thanks for your consideration.

David Virden

Honorable Mayor, City Council Members, & Chamber of Commerce,

It has come to my attention that changes to the vacation rental code are being proposed that may adversely affect an owner's ability to let their property as a vacation rental with confidence. I have read portions of the YTRTF Recommendations and find some reasonable but have concerns with ambiguities in violation definitions, enforcement procedures, due process, and burden of proof.

Some background on myself. I have been coming to Yachats since 1966.

Back then we stayed at the A-frame adjacent to the state park, which I believe is still a vacation rental. In 2011 we came to Yachats no less than eight times, each visit 5-12 days in length. We do not leave Yachats when we visit and we do spend money only in the Yachats stores, businesses, and restaurants as we consider Yachats our community. For 25 years we have been staying in vacation rentals having had too many poor experiences in local motels. If the Yachats vacation rental business collapses and motels were the alternative we would have to move our vacations elsewhere. We want our vacation experience to be more than a motel stay.

I ask the city officials to carefully consider the impact of a poorly constructed enforcement program. Yachats' vitality rests on its visitor economy. If there is a collapse in the vacation rental industry there will most certainly be negative multiplier effects to the town's economy. Jobs directly, and then indirectly, attached to the vacation rental industry will be lost. Property owners draft their homeowner financial plans around the confidence that they can derive supporting income by having their property managed by a responsible vacation rental company. More housing inventory, due to forced sales, on the local market will only further suppress real estate values. The city will experience a drop in revenue through reduced transient lodging receipts. If the visitor population falls off businesses will be impacted.

I would offer that Yachats' elected officials and civil servants, if they have not already done so, seek out the successes of other like cities in drafting their ordinances, enforcement, and adjudication programs. The YTRTF Recommendations, as I read them, are inadequate in several areas. Violation definitions (i.e., monopolizing street parking) need to be clarified so that they are supportable in adjudication. Complaints should not simply be accepted, and accrued, without proper investigation and documentation that would stand up to adjudication. Managers and property owners have a right to due process when a complaint is filed as our legal system requires.

I would respectfully ask that the city insure the following: That the successes of other like cities has been explored; That ordinances defining violations be carefully drafted and legally supportable; That all complaints be supported by investigation and documentation as any lawful violation requires; That a formal and open adjudication process be put in place so that all complaints have access to appeal. Anything less is to deny business and property owners access to due process and I feel would not withstand legal scrutiny.

Respectfully submitted,

William Bedell