

Letters received regarding Transient Rental Task Force Recommendations – Batch 3

| Name | Concerns |
|------------------------------------|--|
| April and Richard Angotti | Complaint Process |
| Walter and Janice Miller | Number of cars Change in definition of Sleeping Area Complaint Process |
| Dianne L. Ferguson | Parking Complaint Process |
| Judith Van Nice and Stanley Duncan | Complaint Process |
| Anne and Denis Peirce | Why does Yachats want to curtail vacation rentals? |
| Michele Elizabeth | Complaint Process |
| Mike Korgan | Code Enforcement Officer |
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Dear Mayor Brean and City Council Members:

My husband and I received an email from the Greater Yachats Vacation Rental Association a few days ago which expressed concern about the future of vacation rentals in Yachats. We have been visiting Yachats for over ten years, usually twice a year if possible, and we always rent a vacation home. Because we feel it is a privilege to both stay in someone else's home and to be in one of the most beautiful towns on the Oregon coast, we make sure to follow all the rules and regulations regarding the upkeep of the home, parking restrictions, and the number of people allowed in a rental. I am sure that 99% of renters do the same. It seems that, from reading the abovementioned letter, the Task Force is attempting to modify and initiate regulations concerning vacation home owners, their properties, and the property companies managing them.

We can certainly understand why permanent residents of Yachats would be upset by vacationers who do not abide by the city laws, and any offenders of these laws should be reported and reprimanded accordingly. However, it sounds like anyone can lodge a complaint, true or false, and the property owners/managers/renters have very little recourse. This is not fair. We agree with the proposal contained in the letter from the GYVRA and have copied it here:

- 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, then that may be a reasonable complaint against a guest at a TR.
- b. We would ask that the neighbor 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. Further, the burden of proof falls to the complainant. Complaints should not be automatically taken at face as valid; those that are not handled in an appropriate amount of time and with appropriate discretion by the owner or management company should be considered.
- c. We would ask that after a minimum of 5+ 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) would the matter be considered by the City.
- d. Rescinding a license must provide full 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.

Certainly, a charming town like Yachats attracts permanent residents who not only want to enjoy the beauty but also keep the small-town flavor. Unfortunately, because of that beauty, many tourists have discovered Yachats over the years and have turned that small town into a bustling seaside resort, especially during high season. There obviously has to be a balance; tourists need to be respectful of the town and its residents, and the residents must tolerate the influx and enjoy the increased business that the town receives. The vacation rental business brings huge revenues into Yachats, and it would be a terrible thing to have that reduced because of regulations and laws that have not been fully thought out.

We love visiting Yachats, and we sincerely hope that these issues can be worked out amicably with a satisfactory resolution to all concerned.

Thank you,

April and Richard Angotti

TO: Ron Brean, Mayor of Yachats

cc. Yachats City Council (Greg Scott, Council President; Sandra Dunn, Burgundy Featherkile, David Rieseck)

Yachats Chamber of Commerce

We are e-mailing all of you for our concerns regarding discussions, potential changes and other Yachats City Council meeting discussions related to vacation home rentals at your January 12 meeting at 2:00pm. We are requesting that our e-mail information be submitted and discussed for the January 12 meeting.

We are very concerned about potential changes to Yachats Vacation Rentals. We have been coming to Yachats over 25 years and renting various houses. We have rented directly from owners, and various rental companies over 25 years. We have supported local businesses which include motels, shops, and restaurants. We love visiting and vacationing in Yachats ("Gem of the Oregon Coast!"). We could choose to vacation at other parts of the ocean but enjoy the small town, beach areas (rocky and sandy beach areas), and the many people we have met over several years. We live 300 miles from Yachats and choose to spend our ocean beach vacation time in Yachats. We have visited in the summer, fall, and spring times.

We are opposed to the new Task Force recommendations for vacation rentals related to number of car limitations, definitions of sleeping areas, children under four years old counted as guests, and the proposed compliant process that pulls a TR license with 3 complaints. These four recommendation areas are not reasonable or acceptable. These issues need more analysis and input from local citizens, vacation rental companies, vacation renters, and other interested parties. We ask that you give these issues more time, more input from citizens of Yachats, vacation renters and vacation rental companies in the Yachats area. You could be jeopardizing the economy of your area by making quick decisions on these important issues.

We enjoy spending vacation time in Yachats away from the busy city life and our busy jobs and commitments in the Pacific Northwest. It is troubling to hear that the Yachats Mayor and Council want to change and possibly destroy the vacation rental companies in the "Gem of the Oregon Coast". We thank you for considering our request.

Thank you,

Walter and Janice Miller

would like to contribute to the current discussions concerning new restrictions on vacation rentals in Yachats.

First, I can appreciate that local residents may very well experience some inconvenience and trouble with street parking because of visitors renting units. It makes sense to me to limit the number of cars to what is reasonable for each property. However, I would encourage caution in cases that might involve a need to use street access because of accessibility issues. A garage, or even driveway may not allow enough space for a lift. The ground may not be level enough or provide enough turning radius. I encourage managers to consider this when determining number of vehicle limits and advise guests on alternatives if they have accessibility needs.

Also, if the number of cars exceeds the limit for any property, could the town designate a public parking area where overflow vehicles could safely park. Other members of the visiting party could ferry visitors from this more central parking area.

Second, with regard to complaints, I think that taking them at face value without either an opportunity for the manager to solve the issue, or for them to be more completely investigated, is a grave mistake. I have been renting properties in Yachats for more than 25 years. Sometimes for vacation with family and friends, but also for work. I have brought teachers to work on a book over long weekends, I have brought colleagues, including international colleagues, to work on joint projects numerous times. On one occasion a complaint was leveled against me for bringing a colleague whom I had picked up at an airport in a state car and driven to Yachats to work over a long weekend. We were both working on a national project and needed the time to work on reports and writing away from distractions. The complaint stated that state cars should not be parked at vacation homes especially over a weekend assuming that we were "playing" and abusing the use of state cars for state business.

I offer this example to illustrate how complaints can be based on hasty and inaccurate assumptions and conclusions. Oregon's central coast is a wonderful place to rest, to play, and to work. It is something I always want to introduce visitors and colleagues to. And while I am aware that some individuals might abuse the opportunity to rent homes on the coast, I strongly encourage you to develop a complaint process that is fair and balanced and does not privilege residents over guests, but one that encourages guests and sets fair rules for managing those few who may not always act respectfully.

Dianne L. Ferguson, Professor

January 11, 2012
Mayor and City Council
City of Yachats, Oregon

Dear Mayor and Council Members:

My husband and I own a TR property in Quiet Water and, with the help of our property manager have been compliant with both the TR rules and the spirit of the TR rules as we know them. We agree that the rules are important and are there for a purpose, however we do suggest the following changes to the complaint process of the *Transient Rental Task Force Final Report* as follows:

a. "Citizen complaints must show a direct negative impact on their dwelling or personal property, and should only come from direct neighbors. *II* 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, then that may be a reasonable complaint against a guest at a TR.

b. We would ask that the neighbor 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. Further, the burden of proof falls to the complainant. Complaints should not be automatically taken at face as valid; those that are not handled in an appropriate amount of time and with appropriate discretion by the owner or management company should be considered.

c. We would ask that after a minimum of 5+ 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) would the matter be considered by the City.

d. Rescinding a license must provide full 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 enjoy spending time in your community as often as possible and believe the renters occupying our home as well as our property manager are good stewards of the property and contribute in a positive way to the local economy.

We would appreciate your thoughtful consideration of the above alternatives/procedures to the complaint process.

Sincerely,
Judith Van Nice and Stanley Duncan

I have just learned of the proposal to curtail vacation homes in the Yachats area and am writing to urge you to disapprove of this measure.

My husband and I have been renting in Yachats for the past 7 years and find that the local economy appreciates our shopping and dining (C & K Markets, LunaSeas, etc.).

It is difficult to understand why there would be some residents opposed to vacation rentals as we do support the economy and do not know of what kind of renters would abuse living in such a lovely area. We take walks and visit merchants and, other than that, stay to ourselves in the lovely rentals.

Please reconsider such an ill-thought idea to keep renters out of your community.

Sincerely,

Anne and Denis Peirce

Dear Yachats City Council,

I ditto my uncle's email (*Shevach Lambert*) I have been coming to Yachats for 10 years and I am in love with the place. My family (usually around 4 of us) treat Yachats with love and respect, kindness and care.

Perhaps there should be a more thorough 'interviewing' process for people who would like to rent there? The summer crowd may bring in more of a 'party' energy; perhaps this should be heeded ahead of time.

I have faith in you the complaint situation will evolve into something that feels more fair and creates a win-win for everyone.

Your village represents the qualities of harmony and equality. Again, I trust the meeting tomorrow will bring this situation back into balance for both residents and renters.

Solutions abound!

Best regards,
Michele

Dear Mayor Brean,

Why after years and years of Yachats residents settling little problems the good old fashioned way, do we really need more "**rules and regulations.**" Rules that are going to just make **more problems.** Here is one little example:

We live in our TR some of the time. When our family and friends get together we often have more people sleeping in **our home** and a couple more cars on the street than would be allowed by these new **unnecessary** TR rules. We are also politically active and both hold elected office in our political party. At times we hold political "Meet and Greets" for the candidates that we support so we have many more cars on the street and many more folks in our house than is allowed by these rules. **This is our home.**

Our neighbors often times have "football parties" or the like, they park all up and down our street some in **our** driveway. NOW . . . Is the Yachats CEO* going to write us a citation in our own home? How is the Yachats CEO* going to know if it is us, in our own home, or guests in our TR or the party next door?

Is he actually going to invade our privacy by coming on my property, to my front door and inquire of us or question our TR guests like the Gestapo? Is he going to storm in and count heads or sleeping bags?

Our Yachats CEO* (see below) is openly "anti-TR" and has openly threatened that he can write three citations without any complaint from a neighbor and after three citations can take a TR license away. In his written reports to the city council he often makes references to how he has "**made his rounds.**" looking for problems . . . where no problems exist, he is just out looking for them. This CEO* of Yachats is, like a true bureaucrat, attempting to justify his existence and influence the outcome for his friend who is anti-TR. He does not even live in Yachats.

Our Yachats CEO* has said openly, that owning a house in Yachats is a "**Privilege, not a Right.**" What kind of socialist c**p is that?

Do we really have a problem? I understand there are nearly a hundred and a half TRs in Yachats. I understand there have only been 7 complaints most of which were trumped up, most of the "in support of" a bully that lives on the hill. I understand our Yachats CEO* is now building up a new embellished list from doing his "rounds." **Not from neighbor complaints but his "observations."** This is not what we need, someone going around LOOKING for problems.

Finally, I want to ask. Since the Yachats CEO* is, as I understand, not an employee of the City, and is a "private contractor" to provide **Code Enforcement Services.** Does he have a City of Yachats business license? If not I ask he be **fined** to the full extent of the law. He has had plenty of warnings as he has **warned** many others to get theirs. **I find no such license listed on the city website.** I also question his IRS definition of a "Private Contractor" in that the city provides him with an office, a desk, a phone and a computer and requires his attendance at certain times and places.

We am told I will probably have our TR license taken away because I wrote this letter but what is happening in OUR little village of less than 700 people is not right. I would caution those that before there is retaliation toward us for writing this, one should check one's own closet.

Sincerely,
Mike Korgan

This letter reflects only the feelings of myself alone and should not be construed to be the opinion of any other person or company.