

Letters to City Council regarding Transient Rental Task Force Report – Batch 4

Eliana Hurwich- Reiss and Barbara Hurwich	Complaint Process
Kate and Todd Korgan	Complaint Process Number of people and cars Anti-TR attitude Economy
Beth Stade and family and friends	Work with the rental agents
Ted & Gigi Lambert	Complaint process without due process

Letters received after meeting:

Asai

Brunston

From: PETER ASAI [igneousrok@msn.com]
Sent: Thursday, January 12, 2012 5:28 PM
To: info@yachats.org; Nancy Batchelder; Michael Medford
Subject: Task Force Report on rentals

January 11, 2012

To Whom It May Concern:

We have just read the TR Final Task Force Report concerning rentals in Yachats. We have been coming to Yachats for vacations for the past 30+ years and have grown to love the both the setting and the community itself. Upon reading this report we are particularly taken aback by the complaint process outlined in the Report and the way it seems to characterize vacation renters as a potentially undermining the the quality and peace of mind of the village residents.

We appreciate that permanent residents should have the right to complain about inappropriate or disruptive behaviors by anyone directly impacting them. Regarding rental property, they most certainly should feel free to contact property managers with their concerns, and those managers should most certainly be expected to respond in a polite, prompt and timely manner.

We could find nothing in the report that clarified a definition of a complaint or anything about what might be required of the complainant to verify their motivation and accuracy.

It seems only logical and reasonable that a complainant be expected to produce evidence that they did in fact contact a rental management person about a concern and gave them a reasonable amount of time to address the concern before filing a complaint. Failure on the part on the part of the property manager to address the issue in a timely manner is then most certainly an issue for consideration of the larger community.

We are only making our concerns known because we find the spirit of the Report to be surprisingly negative to those of us non-residents who view Yachats as a wonderful resource for recreation and renewal. We can only believe that as a small coastal community, tourism contributes in no small way to the support and prosperity of the community at large. We don't like to think of ourselves as visitors as a kind of potential nuisance to any permanent resident who feels they have no recourse to address problems with visitors or other residents for that matter.

We love Yachats and would always want to do whatever would continue to make it the lovely community that it has always been. Our experience with the property managers has always been very positive and we have always striven to be good "neighbors." I hope you will try to see the commplaint resolution process in a fair and even handed way, and give credit to those of us visitors who hope to be seen in a positive and welcome light.

Most Sincerely,

Peter and Karen Asai
Springfield, Oregon



Mr. Glen Brunston
26929 Bellfountain Road
Monroe, Oregon 97456

January 11, 2012

Mayor Ron Brean
City of Yachats
P.O.Box 345
Yachats, OR 97498

RE: Yachats Transient Rentals

Dear Mayor Brean,

Please let me introduce myself. My name is Glen Brunston and I am one of the trustees of my mother's estate which owns the home and property at 195 Shell Street in Yachats. One of my mother's dreams was to build a home at the beach to enjoy with her children and grandchildren. After many visits to different communities along the coast she fell in love with Yachats as so many of us have. Unfortunately she was not able to see her dream come true here on this earth. In the summer of 2001 she died after a one year battle with cancer. Her death came just months before the final coat of paint was put on.

Since the death of my mother, my family and others have enjoyed the home she built and the community of Yachats. However, because of where we live and other obligations and time commitments we are not able to spend as much time there as we would like. Since the home was vacant the majority of the time, several years ago we decided to open our home to guests so others could enjoy what my mother had built. At that time we hired Michael Medford to manage our property and he still does. Over the years I have come to know him as an outstanding responsible property manager on all levels. Both guests and owners are well informed and Michael strives to accommodate the needs of both for a safe and enjoyable stay. The Yachats community is blessed in having him doing what he does.

This brings me to the point of my writing you. Recently I was made aware of additional rules and regulations the City of Yachats is proposing to impose upon property owners who open up their homes to guests when they are not there. I am in opposition to these proposed rules. I believe the City is over reaching its bounds by micro governing the everyday business of property managers and property owners. There are laws and ordinances currently in place to govern the people of Yachats, so why are property owners with Transient Rental Licenses, being scrutinized so harshly? Why a code enforcement officer that has the power to be judge, jury and executioner? This is not a good thing and the City needs to open this up for more discussion before making a final decision. Consider this, is it better for the City of Yachats to have those homes that are

Transient Rentals sitting empty for 50% to 75% of the year? Or, would it be better if they were filled with guests to enjoy the community? Seems like the obvious choice would be “filled with guests,” since those guests provide the following:

- *Revenue to the City of Yachats –Transient Room Tax.
- *Revenue to the City of Yachats – Water and Sewer Usage Fee.
- *Revenue to the local utilizes – electrical, natural gas, telephone.
- *Revenue to the City of Yachats – Those guests that dine out, Meal Tax.
- *Revenue to merchants in the city – in turn produces Revenue to the City.
- *Local Jobs – Property Managers, Maintenance Workers, House Keeping.

These are just a few of the areas where the City of Yachats reaps a substantial amount of revenue from the backs the property owners and managers, with zero risk or investment. Instead of being an overbearing taskmaster the City should reconsider its position. Give us (property owners & managers), the freedom to conduct our affairs without so much oversight & regulation. As I said, the City reaps a tremendous benefit from us without lifting a finger. However, if it becomes so difficult or burdensome to comply with the rules or the guests are hassled and driven away, then the City’s revenue will be lost to another community. A community that gives the freedom to pursue happiness without an over bearing local government.

With all sincerity I hope you will consider allowing further discussion on this before a final decision is made. Also, it would be very nice if those that are directly affected by these decisions could be formally notified two weeks in advance and the meet set at a time of day were a working person could attend.

Sincerely,

A handwritten signature in blue ink, appearing to read "Glen Brunston". The signature is fluid and cursive, with a large initial "G" and a long, sweeping tail.

Glen Brunston
Trustee – Ruth L. Brunston CST

To whom it may concern:

1/11/2011

We are writing you because of our concerns as home owners who rent our house in Quiet Waters. We have become aware of recent proposed changes that would affect us as rental owners. In general we want to begin by saying that our view is that, at least in Quiet Waters, there are few or no problems we have seen or had with renters. Renters make it possible for many people to keep owning their vacation homes and is a real boost to the local economy. During these difficult economic times we think it is particularly important not to create undue financial burdens on people who own vacation rentals or to take actions that would hurt the economy of Yachats. We think of all our friends from Eugene and Portland who come here and rent houses all the time, and how they contribute greatly to this local economy. We have read the TR Task Force report and while we think many of the ideas are very helpful to resolve any issues in this area, we have several concerns.

1. First, we are concerned that sleeping areas may be required to have a closet. That is a reasonable requirement for long term rentals and homes, but is not a practical application for short term vacation rentals or private homes which use multiuse rooms such as dens or family rooms, as short term sleeping areas for guests.

We recommend as an alternative, to define Sleeping Area as a sleeping area --- a living area that has proper access and egress (including doors) and a bed or beds. This description is a better fit for the houses we live in that have multi use areas.

My biggest concern is with the complaint process. We recommend having a complaint process that includes rigorous and fair guidelines and the assurance of due process. I think the proposed process is open to frivolous complaints, using the complaint system to making a point about renting and renters in general. Also as proposed, the Code Enforcer can bypass the process of meeting with the property manager or owner and complainant to try to resolve the complaint. We recommend that in all cases complaints need to be taken to the property manager first for resolution or the part of this proposal that is built in to minimize conflict is removed.

Here are our specific recommendations:

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 Transient Rental.

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 like to see a mandatory mediation process between the homeowner and complainant, which must be pursued by all parties prior to any action being taken by the city. Many judicial systems throughout the country are requiring mediation prior to civil action for conflicts between neighbors.

d. We would ask that only 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.

e. 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 hope these important points will be taken into consideration by all those concerned.

Sincerely,

Eliana Hurwich- Reiss and Barbara Hurwich
Quiet Water Home Owners

Mailing address 3525 Glen Oak Drive, Eugene, Or 97405

Email: bjhurwich@yahoo.com,

January 11, 2012

Dear Mayor Brean and Honorable City Council Members,

We are writing today as home owners, business owners, and lovers of Yachats. Three generations of our family lives in Yachats, and our plan is to relocate there as soon as we are able. Unfortunately, my job as a professor and dean at a university prevents us from doing so immediately, but we travel back-and-forth constantly. You are probably aware of our local business, Sweet Homes Rentals. We are only a 3 year old vacation rental company, but we have been very dedicated to our home owners, our guests and our communities from day one; our commitment is to outstanding service, outstanding care of our homes, and being engaged and caring members of the Yachats community at large.

You probably know Wendy Snidow, a long time resident and realtor who is also our property manager. We hire local house cleaners, a local hot tub company, and all kinds of other local workers to care for our homes and to support our business. Our thriving little business is good for our home owners (many of whom have been able to keep their homes because of their rental income), good for our guests (mostly families who love Yachats, many of whom are interested in becoming full residents some day), and good for us; but Sweet Homes is also good for the economy of Yachats, for the workers we employ, and for the local businesses that we and our guests support. Beyond this, we are also extremely protective and supportive of Yachats' unique community and culture.

Given all of this, we -- like so many others who have contacted you already, and many more who have not done so yet -- are very surprised that the complaints of a few citizens and the anti-vacation rental sentiment of a few City employees has generated such a backlash against the transient rental community. The Task Force you implemented was a positive attempt to bring various sides together and discuss the issues in an environment conducive to compromise, and many of the recommendations produced make great sense and should be implemented for the good of all. However, we do have grave concerns about three specific recommendations before you today. We address each below.

First, the issue of maximum occupancy. We urge you to leave the definition of sleeping areas and the current occupancy the same. If it is going to change, we would suggest one minor alteration to the Code which would create no problems (noise, cars, etc.) but increase the ability for families to rent homes within the Yachats City limits. Specifically, we'd ask that you define 'guest' as those over the age of 12. This simple change would allow larger families to rent homes in Yachats and have their small children not count toward maximum occupancy. There have been no complaints about children, and families make great tenants and bring great business to town. Why exclude them because they have a few young school aged kids with them, but pushing their group over the maximum occupancy? We respectfully request your consideration of this proposal.

Second, the issue of cars. The problems that have arisen with cars are either that there are more parked on the property than the license allows for, or because they're parking on the street or in

other inappropriate (not paved, etc.) parking areas. There has been no problem with the approved number of cars parking at a home. To say that a home with enough paved parking and current approval for, let's say 7 cars, may not have the 7th car stay overnight because of a new, arbitrary rule prohibiting more than 6 cars parked overnight in approved parking spaces frankly seems silly. By current Code, if a home is allowed 2 spaces, there may be 2 parked cars, day or night. If a home is allowed 5 parking spaces, there may be 5 cars parked there, day or night. If a home has 7 approved parking spaces, why does the new proposal suggest that there may be 7 cars during the day but only 6 overnight? This hasn't been a problem, so there's no empirical evidence, or real logic, supporting this proposed Code change. We ask that you leave the parking code as it is; it is working just fine, and it is appropriate as it is.

Third, is the issue of the complaint process. Nancy Batchelder tells me that she doesn't understand why there's all the fuss about the complaint process. Well, to home owners and to rental companies, there's nothing scarier than living under the threat of having one's transient rental license revoked, especially when the home owners and management company have followed the Code and done due diligence to ensure a problem-free environment. As you know, there are some neighbors who just want to find reasons to complain in order to eliminate rentals from their neighborhood. I understand their wish for more permanent neighbors, but chasing out vacation rentals will not bring a new home owner who lives in the City year round. If not a rental, a home may sit empty and unattended. It may be foreclosed. It may have a longer term renter who has no community ties and no motivation to be a good neighbor or a good citizen. These aren't good options for the City, the community, or the economy. In any case, many home owners and rental colleagues feel like there is a systematic bias against transient rentals (to wit, one prominent employee at the City told me that they believe they should be eliminated), and the Sword of Damocles that hangs over all of our heads is the threat that the City Recorder or Council could revoke a license without due cause and due process. This is not an environment conducive to good business or collegial relationships, and we'd like to see that change.

The way that could change would be a substantial reconsideration of the complaint process and the revocation process, which are related but not the same. With respect to the complaint process, no one should be able to complain to the City until they have given the property manager notice and sufficient time to respond and rectify the situation. Two hours is not sufficient. That Wendy and Nikki agreed to this shows how much they want to compromise and how hard they are willing to work. But on their behalf, and on the behalf of other property managers, two hours is not sufficient time especially if the complaint comes in the middle of the night. Plus we all know that unexpected situations arise and we are sometimes not immediately available – you or a family member gets gravely ill, there is an emergency, a grandchild is born, etc. – if that were to happen even once when a neighbor called with a complaint (even one that isn't serious), by the current and proposed rules, the home owner would be 1/3 of the way to possible revocation of their license. Besides the two hour timeframe, the complaint process is flawed because there is no due diligence or investigative process to assess the seriousness or validity of the complaint. Innocent until proven guilty still is the guiding principle of law in this country. So, too, with complaints. Finally, the code enforcement officer (whomever fills the position) must not be able to file complaints or write citations. Doing so feels like big brother

driving up and down the little streets day and night looking for trouble where there is none and trying to catch anyone doing anything. There is also the problem of differential enforcement.

Apart from the complaint process is the issue of license revocation. This must be done with the utmost care, transparency and due process. The White Paper that the City is referencing explains that best practice requires that licenses are only revoked when the violation is committed by the home owner. So, a single renter who spills garbage or who makes noise at 10:15 at night does not result in a complaint that could eventually cost a home owner their license. This makes sense and is best practice; it is time that Yachats considers these standards, and we ask you to please do so. It seems to us that three investigated and valid written complaints submitted in 90 days, with proper due process for the management company and owner to respond to, is still not enough to revoke. We would ask for the number to be higher. Regardless, when documented complaints rise to the level in the Code, there must be a public process with engagement from all interested parties before the Council and Mayor revoke a license. This should never be done without a full public hearing, and it must never be left to any City employee (Recorder, Code Enforcement Officer, anyone) to process unilaterally. Doing so is a miscarriage of justice, a potential abuse of power, and possibly a violation of due process and other laws. We ask that you not vote to approve any license revocation process that is not robust, detailed, documented, transparent, and public.

Thank you for your time. Due to a previously scheduled event at which Kate is speaking today to over 120 people (so I could not reschedule), we are unable to attend the Council meeting this afternoon. Wendy Snidow and Kasey Baker will be there speaking on our behalf, as well as representatives from the Greater Yachats Vacation Rental Association. We urge you to proceed with vision on this issue, and to consider the merits of our proposals herein. We appreciate your public service as elected officials, and your responsiveness to the concerns of the citizenry. In the end, we truly believe that this conversation will produce a better, more detailed and fair transient rental Code. Doing so will ultimately be of great economic, cultural and social benefit to the entire Yachats community.

Sincerely,

Kate Korgan & Todd Korgan

Kate and Todd Korgan
Sweet Homes Rentals, Inc.

We have been vacationing in Yachats for 7 years now. We keep coming back because we always feel welcome and at home. The rates on rentals are so reasonable that we often come for two weeks or more (once for a month!). We loved the "Ghoul from the Tidal Pool," and try not to miss the La De Da. We are happy to support local businesses and have also sent family and friends to Yachats (they loved it too!). And one of our vacation photos of Yachats ended up in the Denver Post Newspaper in a story about the Oregon Coast.

I understand that some visitors might not be good neighbors during their stay, but please don't punish the rental agents. Without them, we won't have affordable places to stay (or won't be able to stay as long). The rental agents don't want disruptive clients either - please work WITH them to solve issues and keep rentals plentiful and affordable.

Yachats is one of our favorite places in the world, please support a business climate that let's us keep coming back again and again.

Beth Stade and family and friends
Lafayette, Colorado

Dear Mr. Mayor,

It is with great dismay that we read about the proposed changes to vacation rentals at Yachats. We have been renting at Yachats for about 18 years now, ever since our kids were very little. During this time we have stayed at 5 or 6 rentals, from right in town, along the Yachats River and out of town several miles. During this time I've not seen any problem to speak of that does not apply to any neighborhood in general (including where we live right now), certainly nothing that that stood out. Staying at Yachats is always the highlight of our summer and I think the rental association runs one of the most professional organizations we've found for any of our vacation trips through-out the country.

I can understand how homeowners wish to protect their quality of life, but having spent much time looking around with an eye to the possibility of buying a house to retire to, I haven't seen anything that has caused me to pause and say "maybe not" when looking around. I looked at the proposed complaint review process proposed by the rental association and it seems very reasonable to me. I just spent a week on jury duty (civil case), and one of the biggest things that struck me is how important due process is whenever there is a problem between people. There needs to be a reasonable process for both parties, to not only produce evidence that there actually is a problem but also a process to respond to complaints, rather than what can result in an arbitrary decision with no way to appeal the decision.

Please keep Yachats such a wonderful place that we know and enjoy and thank you for for your time in considering our concerns.

Ted & Gigi Lambert