

Letter From:	Concerns listed:
Douglas Cochrane	Guests should enjoy same rights as owner Complaint process (are complaints valid?)
John Call	Complaint process (could lead to licenses revoked due to the whims of some)
Danyelle Benedict	Wants Yachats to continue vacation rentals
Ted and Jan Nemcik	Parking restrictions and Code Enforcement Officer "stirring" up problems
Linda & Cliff Sasyniuk	Concerns that the standards will be too restrictive Complaint process – (complainant should have to contact manager first)
Jack Robinson	Complaint Process (frivolous complaints) City should work with managers
Norman Epstein and Margaret Pope	Complaints (3 strikes and unjustified complaints)
Lyn Brown	Possible overly strict regulations and unreasonable demands
Karla Becker	Keep Yachats open to vacation rentals
Shelley Kleinschmidt	Excessive regulations
Diane Davis	Don't make it difficult for visitors to enjoy their time in Yachats by making them feel unwanted.
Sonja Soehnel	Complaint process (should be from only a direct neighbor and contact manager first; should be valid complaint; due process before revoking a license)
Deborah Finney	Complaint process (two hour response time; due process; who has the right to file a complaint; shouldn't the name of the person filing complaint be required; number of complaints and time limit) Parking restrictions
Karen Biggs	Complaint Process (should use the one submitted by managers; 2 hour time limit on response) Parking restrictions
Jane Stricker	Restrictions and use of Transient Rental label
Bill and Robin Stinnett	Should use the suggestions from the Managers
Suzy and Pete Hastings	Restrictions on and elimination of rentals
Jerry McCall	Complaint process
Mark and Leslie Gorham	Hope the issue can be worked out so they can continue to visit Yachats
Ingrid Olson, David Schlesinger, Tammy Gagne and Ken Gagne	Access via easement Hours contact people should be available Neighbors should be notified before license is issued
Dean and Shirley Roach	The TR Task Force's Recommendations are good!

Dear friends and neighbors,

Let me begin by thanking you for your service to our community. I was pleased when the makeup of the city council changed and you guys took control. Since Gerry and I have neither the time nor inclination to participate, we have given you our votes and left the decision making in your capable hands.

We understand that the issue of vacation rentals may need some attention by the City to avoid the problems that have occurred with a small minority of homes. However we are concerned that some of the language of the proposed ordinance goes too far.

First, we believe our guests should have essentially the same rights and privileges to enjoy our property that we have when we are at home. For example, if we want to park cars all over our property (which we do every 4th of July), we can. If a group rents our home and all come in separate cars they should have the same rights to park as we do. Unless it creates some sort of public nuisance I see no reason for the City to get involved.

Likewise, if we wish to put children in sleeping bags in the loft or the living room or the porch (which we also do on the 4th), we can. Why should the City care who sleeps where unless the activities in night disturb the neighbors.

My biggest concern is the threat to take away our right to rent our home after three complaints. Who is to determine whether the complaints are valid or not? Is the code enforcement officer going to march through every evening counting noses to make sure we or our guests don't have too many grandchildren in sleeping bags? Is he supposed to come to our property to determine whether we have too many cars parked? Will we have to prove to him that it is our own cars, not renters? In our neighborhood we have an informal but very workable arrangement of sharing parking space when one of us is absent. Will the burden of proof be on the property owner if a neighbor parks too many cars on our property some evening?

What is to protect the property owners from a disgruntled neighbor filing frivolous complaints? Three anonymous calls to the City and we suddenly lose our right to rent our house? Imagine the legal fees the City will incur as property owners contest the arbitrary rescinding of licenses.

As a village we have survived a long time without codification of who can enjoy a property and how. All laws need enforcement and all bureaucracies are self-perpetuating. Before you know it poor Don Niskanen will need a City police department to respond to all the violations real and imagined.

The City and its economy are very dependent upon the tourist trade. If it becomes difficult to find or enjoy transient rentals, the tourists will go somewhere else. The City and staff should encourage good working relationships with the managers of vacation rental businesses and property owners who offer their homes for rent. Our mutual goal should be to make Yachats a more desirable tourist destination than other nearby communities.

Thank you for your time.

Douglas & Gerry Cochrane

Honorable Mayor Brean,

My wife and I, both in our late 50's, have been vacationing on the central Oregon coast for about 10 years now and have settled on Yachats as our favorite destination due to its rugged beauty and small town charm. We have traveled from as far away as Kansas for this privilege. We always strive to ensure that not only is our stay pleasant, but that we leave the coast unspoiled and the rental in better shape than we found it. We also go out of our way to boost the local economy by patronizing the many lovely local restaurants and shops. I don't believe we are alone in our respect and reverence for this beautiful area and have met many other visitors who share our sentiments.

I am writing because I am concerned that if the recent TR Task Force's recommendations are adopted as proposed, it could easily lead to the unfair and unfortunate pulling of many rental licenses due to the whims of a small number of residents. While the owners/residents of Yachats certainly have the right to the enjoyment of their properties, I believe the complaint process as proposed will result in unfairly preventing rental property owners from their rights and their guests'. It is a basic principle of justice that one is presumed innocent until proven guilty and has the right to confront their accuser. The complaint process as proposed seems to deny these basic rights to the rental property owners. It would likely be more appropriate to "black list" a repeat offending renter rather than to punish the rental property owner, but I'm not sure if that is legal or practical. Therefore, I agree with and recommend that the City Council adopt the complaint process as described by the Greater Yachats Vacation Rental Association below:

- 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.

My fond hope is that a reasonable complaint process can be put in place that both protects the local residents' rights but also gives rental owners full ability to verify, address, and correct any valid complaints. Otherwise, I fear that our vacation dollars will by necessity be spent in another coastal community to both the detriment of local businesses and ourselves.

Thank you very much for your consideration,
John R. Call

Please continue vacation rentals in Yachats. We love coming to beautiful Yachats every year. It is our favorite place to vacation!

Thank you,

Danyelle Benedict
Union, OR

SERIOUSELY????? Come on, sounds to me like you have a "Parking Nazi" Don Niskanen, with no life, who wants to be a "somebody" so he goes around trying to stir up problems. (In my opinion) Good Grief, you are kidding right? If you people took away the rental licenses of just half your rental properties, you would force most of the owners (I'm thinking) in this economy to SELL their properties, thus throwing a real "monkey wrench" into Yachats Economy. We've vacationed in Yachats for 23 years, renting from the same property management company and have fallen so in love with your small town that we have "tried" to purchase a second home there ourselves. Trust me, if I did own a property there, and YOU decided I could NOT rent it, every one who stayed in my home would be FRIENDS or RELATIVES and they would all be giving me donations toward the upkeep of my home.
We live in Park City, Utah, trust me, you people don't know what rental property problems are!
Hoping you'll do the RIGHT thing!

Jan & Ted Nemcik
Park City, Utah

Mayor Brean:

In 1988, my husband and I discovered your little corner of Paradise and we've been coming every year since for a 2 week visit. So I guess that makes us transient renters as we prefer to stay in a home rather than a hotel for that length of time. We've heard that some community members are expressing concerns about the problems that can arise at these rental properties, particularly when large groups of people are involved, and we're completely supportive of the need for regulations that protect local home owners from invasions of thoughtless, inconsiderate tourists who may completely disregard the rights of these home owners.

Having said that, though, we hope that whatever measures City Hall may be considering will not be so draconian that couples like us are no longer able to experience the peace and tranquility of your special part of the Oregon Coast. We respectfully suggest that those who make complaints against a rental property should have to document their concerns and be able to show that they have tried to resolve the problem by contacting the property management company. This due process is no more than would be expected if one townspeople had a complaint against another. And there should be a clear definition of what constitutes a complaint in order to ensure that it is not just a case of someone complaining just because they don't want a rental property next door to them.

We have a special place in our hearts for Yachats and we hope that you and your council will allow us to continue to share in the Yachats experience. We will always do our part by being respectful and supportive of your community. We just hope that the few who have annoyed some of the townspeople because they have not been good tenants do not take away the Yachats experience from those of us who are.

Thank you for your consideration of our concerns.

Respectfully,
Linda & Cliff Sasyniuk
Calgary, Canada

We have been visiting Yachats for one or two weeks a year since 1993 and if our children were not in Ohio, we surely would try to move to Yachats. In other words, we love your town. We certainly understand the desire to retain the quiet, small town atmosphere that makes Yachats so special but we also understand some of the needs of the transient rental managers. We urge you to work with the rental managers to reach compromises that address all the issues and that in particular establish a complaint process that ensures that valid complaints are quickly addressed and that frivolous complaints do not disrupt the viability of local businesses.

We look forward to seeing our Yachats friends, visiting our favorite Yachats businesses, and enjoying Yachats hospitality for years to come.

Jack and Sharon Robinson

Dear Mayor Bream and City Counsel Members:

I am writing regarding the proposals and regulations that may affect Rental properties in your town. My wife, Margaret, and I have been visiting Yachats virtually every year over the last 6 years. We always stay at Kelly's Cove, renting through Yachats Village Rentals, and have pretty much fallen in love with the community. We started with a 3 day trip and lately (including this coming June) have been taking the house for 2 weeks at a time. My wife is now a card-carrying member of the Yachats Public Library, and we have donated to several local conservation organizations. We routinely spend most of our time in the town itself, walking and hiking, eating at the restaurants, shopping around and chatting with store owners who have come to recognize us over the years. We live in Tucson, Arizona, so for us the misty, cool, woody and oceanside get-away is a wonderful annual treat.

We are concerned about the proposed regulations being discussed; for us it would not revolve much around the car issue or number of bedrooms though I think there are possible problems there and hopefully creative suggestions. We are particularly concerned about the "3 complaints" rule. I feel strongly this could allow a possibility of unnecessary restrictions on rentals by residents who may abuse this process. It would be a real loss to us (and financially to Yachats) if we were for some reason unable to rent due to unjustified complaints filed by someone causing a loss of license. Certainly legitimate complaints should be investigated, but they need to be done so fairly and with due opportunity for the parties to resolve the conflict or problem. There also needs to be some hearing of complaints on a preliminary basis to assess whether or not there is even merit in bringing the complaint to the counsel for action. Trivial or malicious complaints are always a possibility.

We are hopeful that the residents of your town appreciate that we thoroughly enjoy Yachats, and hope to keep coming and to be welcomed. I am quite sure the vast majority of visitors feel the same way. If some renters are actually causing a disturbance in the community; they should be dealt with, but the process has to be fair and carefully managed to avoid penalizing those of us who have come to love the area and the town.

Sincerely,
Norman Epstein, MD
Margaret Pope

City Council:

Thank you for your efforts to keep Yachats a great place to live and to visit.

Tourism is vital to Yachats' health as a community. I have heard that new and possibly overly strict regulations may be placed on vacation rentals in the community. While I believe in a reasonable structure so that all residents – permanent and transient – can live comfortably, I am concerned that placing unreasonable demands on the transient rental managers will lead to fewer visitors and less revenue for the town.

I would urge you and City Council to work closely with the newly-formed Greater Yachats Vacation Rental Association – a group formed by the rental management companies – to see that the interests of all are served. As owner of a vacation rental home, my experience with these hard-working managers has been entirely positive. I believe you will find them reasonable and helpful in your continuing effort to improve the town of Yachats.

Respectfully,

Lyn Brown

I have been coming on vacation to Yachats for years and want to continue to do so.

Keep Yachats open to Vacation Rentals.

Karla Becker

Hello Mayor Brean,

I travel to Yachats from New Mexico about every other year to rest and recharge by immersing myself as a temporary "resident" of the truly magical and peaceful place that is Yachats. I have always chosen Yachats because it is unique and a true community rather than a commercialized tourist trap, and because renting vacation houses in Yachats is an ideal option.

As a very willingly paying visitor to your community, I am saddened to hear that vacation rental properties are being considered a nuisance by the community, or are considered an element that should have excessive regulation because I know that will drive prices up and make it less possible for me to stay there.

I would ask that the community collaborate to honor the magic that Yachats has to offer by extending vacation rental visitors - and the businesses that run them - the same courtesy and respectful guidelines as the community extends to long term renters and homeowners.

It is hard for me to even imagine vacation rental visitors being disrespectful of the community or the homes nearby, however I'm sure it does happen. I understand there are growing concerns in Yachats about the impact vacation rentals can - in unfortunate situations - have on the community or the neighbors, including important issues like parking, noise and trash. I am heartbroken to hear that, and I hope that your community can come together to establish very clear and balanced agreements between those concerned and the vacation rental representatives so that future visitors to Yachats do not have to suffer the consequences.

I choose to stay at Yachats because of the value and variety of charming and practical vacation homes available there. When planning a trip, I know I can have options from tiny cozy places to a larger property for two families to come together, all within the boundaries of a lovely and very special community. That is why I spend the money to fly to Portland, rent a car, and drive 4 hours (instead of, say, 1 hour or so to Seaside) to stay in a home in Yachats. I know you have many great hotel/Inn lodging options in Yachats, however I would never choose that type of lodging when coming to Yachats.

In marketing your community as the Gem of the Oregon Coast, it is important that cooperative efforts and agreements exist to ensure it stays a gem, but it is also extremely important that those who visit will continue to have the opportunity to actually experience it as a gem - which means a variety of vacation rentals must be available at fair prices and the businesses and homeowners who provide vacation rentals should be allowed to have fair, well-defined, and reasonable community rules in order to maintain this balance.

Please help see to it that Yachats remains the right destination for your many loyal vacation rental visitors.

Thank you, and good luck with the discussions.

Sincerely,
Shelley Kleinschmidt

Hello,

My family and I used to prefer the California coastline to visit and enjoy. Then we found the Oregon Coast! Then we found Yachats! Not really an exciting town, but a great place to kick back and enjoy the ocean and the beautiful mountainside. Usually everyone in town is nice and friendly. If we offend any locals it is not because we intend to. It is usually done unknowingly. Everyone at the visitors center is always so friendly and we leave feeling welcome and want to come back again and again. I really hope your friendly little town will not make it difficult for us to enjoy ourselves while we are there. It is not comfortable to vacation and relax when you feel unwanted. We come at least once a year, and would be there more often if time and money permitted.

Keep up the good work.
Thank you for listening,
Diana Davis

To: Yachats City Council
Mayor Ron Brean
Yachats Chamber of Commerce

From: Sonja Soehnel and Bob Solovay

Re: Yachats Transient Rental Task Force Recommendations

Bob Solovay and I are Eugene residents. Bob is a retired professor of mathematics and I am a retired attorney. For the past seven years we have been renting a house in Yachats in June for three weeks--to escape the pollen in Eugene. Of course, while in Yachats we patronize the Yachats restaurants, stores, and grocery.

We were dismayed to learn of some of the Yachats Transient Rental Task Force Recommendations that concern the complaint process. We believe that the complaint process should be reasonable and should offer all parties due process. Specifically, we believe that:

- (1) a complaint should only come from a direct neighbor and there should be a definition of what constitutes a "direct neighbor";
- (2) before filing a complaint the complaining neighbor should provide evidence that he or she contacted the rental management company about the problem and that the problem was not remedied within a reasonable time (Section 4.08.030 of the Yachats Code provides that the name and phone number of the contact person for the rental be posted on the rental where a neighbor can easily read it);
- (3) there should be a preliminary investigation by a city employee that would determine whether a filed complaint appeared valid;
- (4) at least three apparently valid complaints would have to be filed within a three-month period before the City Council and the Mayor could consider revoking a license or imposing restrictions on the operation of the license;
- (5) before a license could be rescinded or restrictions imposed, due process should be provided to the complainant, the owner of the rental, and the rental management company;
- (6) this due process should include a public hearing for which proper notice was given prior to a final hearing where a decision would be rendered by vote of the City Council and Mayor.

Sonja Soehnel
Bob Solovay

City of Yachats
P. O. Box 345
Yachats, OR 97498

Re: Proposed Changes to the Transient Rental Code Section 4.08

Dear Mayor Brean:

Let me begin with wishing you a Happy, Healthy and Prosperous New Year 2012.

I fell in love with Yachats and all it represents about 15 years ago. It took a long while to cement my future and hopefully all my retirement years with this lovely place. When I purchased my home on Oceanview Drive it had been a Transient Rental (TR) for more than ten years. I have invested tens of thousands of dollars in the property and always considered it my home. Until such time as I can afford to move in to the house full time, I will continue to use it as a TR and let others enjoy the beauty of this special place. You should spend some time reading through my guest journals to understand what joy Yachats brings to many people. My guests write about the friendly people, the library, the church and the special little shops and restaurants in town. They tell me that they park their car and walk everywhere for two or three days they do not leave our little town.

Why now for the first time in all these years do I feel the City represented by its staff employees are anti TR, trying to find ways to eliminate visitors who find such beauty here? You know, hotels and motels are not for everyone. Many people have special disabilities and need the extra space of a rental home; or special diets that require preparation in a full kitchen. They still shop at our galleries, our grocery store and coffee shops and restaurants. Visitors add to the liveliness of our community.

Let me share some of my thoughts and suggestions as I read through the Transient Rental Task Force Final Report January 2012. Page 2 of 4

Page Four – COMPLAINT PROCESS – in discussion on the two hour window to respond to a complaint left on a voice message by phone:

Please add a time range such as 8am to 7pm. There should be some reasonable business hours applied. You are asking that owner and managers be available twenty-four hours a day and never away from the phone more than two hours at a time. Here is the problem as I see it. If someone complains and gives me or my manager a voice message at midnight, the chances are pretty good that I won't hear it until the next morning. The two hour limit has passed and the complainant now makes the second call at 2 am. At that point a "formal complaint may be filed". That's one strike.

Page Five – COMPLAINT PROCESS – in discussion on when a formal complaint is filed:

Please add a reasonable time frame such as "within one year". In a situation like mine, the house has been part of the TR pool for more than twenty years now. If we should get three "formal complaints" in a five year period should we be sanctioned or cited? A ten year period? A twenty year period? As a reasonable length of time passes without further formal complaints – seems like the slate should be cleaned.

I believe the owner/manager has the right to know by whom and what the formal complaint was about. I'm really not seeing any due process for the owner in this section. Who has the right to file a formal complaint? Complainant should be made to show a direct negative impact on their dwelling or personal property, and should be a direct neighbor. Shouldn't the complainant be expected to leave their name, address and phone number when leaving a message or making a complaint? This leads me to

Page Six – Section 4.08.010 Purpose – in discussion ... "use shall not adversely affect the residential character of the neighborhood..."

What does this mean? I believe that a definition of "neighborhood" should be added not only for this section but for the section dealing with complaints and complainants. Here is the potential situation I see developing. Does a renter or homeowner living on Cape View Drive have the right to complain that a TR on Marine Drive is adversely affecting the residential character of the neighborhood? Again Complainant should be a direct neighbor.

Page Six – Section 4.08.020 Definitions

Add definition of neighborhood and complainant. Additionally, I think that a Rental Occupant who is four years old is over the top. Even hotels with one bed allow children under 18 or 14 in some cases.

Page Six – Section 4.08.030 Standards – Page 3 of 4

B. In the discussion about contact person or agent. “And available by phone at all reasonable times (eight a.m. to eleven p.m.)...”. I do not believe that 11 p.m. is a “reasonable” time. See discussion on Complaint Process.

Page Seven – Section 4.08.030 Standards

F. Here in the discussion about recreational vehicle, campers and the like there is no mention of the owner of the property. I have a large motor home and have built a paved drive to support parking my motor home on my property when I am in Yachats. How can you determine if it is the owner’s recreational vehicle/camper? Are you restricting my use of my own property when I am there? This section sounds as if it is applying rules to owner and renter alike because my home is a TR. Some discussion about TR rules not applying to owners when they are staying in their home should be made.

Page Seven – Section 4.08.040 – Inspection, license and annual fee

“The annual license and inspection fees shall be set by resolution of the city council.” Included in this sentence should be **all** fees be they additional inspection fees and/or re-inspection fees as well.

Page Eight – Section 4.08.050 – Complaints

Item numbered 2. What does a monopoly of on-street parking mean? All the rules as I read through them clearly indicate that renters must be parked on-property day and night

Item numbered 3. What does “not in harmony with the residential neighborhood such as trespass ...” mean? Again here we have the ability for someone living on the other side of town filing a complaint that my TR is not in harmony with the residential neighborhood. Complainant should be a direct neighbor. Define who can file a complaint and definitions of a complainant and what is a neighborhood should be made.

The complaint process suggested to the Task Force and I agree with is as follows:

- 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 Page **4** of **4**

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.

Thank you for your consideration.

Deborah Finney

Dear Ladies and Gentlemen:

My family has been utilizing rental properties in the Yachats area for over 20 years. We have always enjoyed our stay and the community of Yachats.

Although I understand the concerns of the Task Force, I believe that the task force recommendations, as written, are overly burdensome to the property owner/property manager (hereinafter the "Contact"). For example, providing the Contact only two (2) hours to respond to a compliant cannot be considered a reasonable response time. Further, what is the definition of "respond"? Does it mean that the Contact reach the complainant via phone within 2 hours, or physically show up at the rental property? With regard to off street parking; are not the streets public and parking on the streets in accordance with the law open for use by the same? So long as a property's ingress or egress is not being restricted, why should the complainants feel they have the right to restrict public use? How does the complainant know and prove who is parking on the street?

Yachats is a vacation destination and your city has worked hard to make it so. Please consider the **Greater Yachats Vacation Rental Association's** recommendations (below) for equitable solutions to the issues at hand.

- 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.

Respectfully,

Karen C. Biggs

Dear Mayor Ron Brean,

I am writing in regards to the TR Task Force recommendations and in support of the revisions suggested by the Greater Yachats Vacation Rental Association.

My family has been renting vacation homes in Yachats for many years. We average five to six rentals and spend between \$6000 - \$12000 in your wonderful village every year. We have never trespassed on another property and faithfully follow all the posted rules for quiet hours, safe-keeping of garbage, parking and sleeping limitations, etc.

It is EXTREMELY important to us to be able to rent vacation homes as opposed to staying in hotels. Vacation rentals afford us a closeness and intimacy that multiple rooms in hotels could never provide. Plus, we are able to stay in homes with magnificent ocean-front views. We highly value our family time in Yachats because of the availability of so many wonderful vacation rentals.

Please understand that vacation rentals are a critical part of your tourism industry. If you enact poorly written code that puts vacation rental businesses at risk, you put tourism dollars at risk as well. From my experience with rentals, I would suggest that the number of parked vehicles not exceed the number of parking spaces – period. The rules about sleeping spaces should remain as they currently stand. Many parents with young children have their children sleep in the same bedroom, especially when away from home, and the new recommendation would not take this into account, forcing those families to rent larger and more expensive homes with extra bedrooms that will not be used. This would have meant fewer visits from my family when my children were younger. And most importantly, the proposed rules about complaints must be much less stacked against the rental agencies. It seems very apparent to me that if this recommendation is enforced as it is proposed, it will easily allow for anyone with a vested interest opposed to vacation rentals (whether it be neighbors who prefer an empty house next door or businesses in direct competition), to shut down the vacation rental businesses in short order. As a business owner myself, the risk of staying open in the face of such capricious regulations might be too high to continue operating. I would also suggest that if the vacation rental business in Yachats collapses, a large percentage of those home owners will be forced to sell, creating a glut in the market and causing property values to plummet throughout the community.

From my non-resident view, I hope that in this tough economic time when everyone is fighting for every dwindling tourist dollar, that you won't make the mistake of bowing to any one interest over another and instead stop to consider the big picture and ensure that you don't lose ANY of the valuable tourism dollars coming into your community by limiting an important avenue for overnight guests. **I can tell you that if my favorite vacation rental businesses are forced to close, I will no longer be visiting Yachats and will find another coastal community in which to spend my tourism dollars. MANY of my friends feel the same. Those are not just lodging dollars that your community will lose, but restaurant and other local business dollars as well.**

Oh, and I must add that I find the name of your task force offensive. I understand that the use of “transient” rather than “vacation” is a long standing practice within Yachats politics, but by using it, it sounds like there is an agenda to paint a section of your visitors and businesses in a less than positive light by associating them with the common usage of a word that evokes images of hardened, homeless drifters. As one of those “transients” who spends quite a bit of money supporting your community, this leaves a bad taste in my mouth. I sincerely hope that you remedy the naming issue in the future as well.

Thank you, Jane Stricker

Bill and Robin Stinnett

Yachats City Council Members:
Greg Scott - Council President
Sandra Dunn
Burgundy Featherkile
David Rieseck

Dear Yachats City Council Members,

We have been traveling to Yachats from Phoenix, Arizona for about 25 years. We consider Yachats our second home and plan to soon make it our first home as we make our plans for retirement. We have always considered ourselves a part of the community and are deeply committed to preserving the beauty and character of this unique village. To make this dream come true for us, we purchased a lot on Ocean View Drive (979) and hired local architects, builders, craftsmen, and tradesmen to construct a home there. That was 20 years ago. The only way that we could afford to keep our house and see our vision through was to use the house as a vacation rental. Having a rental property certainly has its challenges but we have been very fortunate to have a capable and conscientious property manager (Michael Medford of Yachats Village Rentals) who has made the process easy for us. Of the hundreds of renters, only one or two have been problems. Those problems were quickly remedied. Each renter moves us closer to our goal of becoming full time citizens of Yachats in the near future.

As caring members of this community we fully support any effort that will contribute to making and keeping Yachats a charming, appealing and thriving town. We support having clear, fair, enforceable rules for the owners of rental properties and for the renters. This, we believe, benefits everyone. We also appreciate having the opportunity to be included in the decision-making process when it comes to making changes in those rules. Last summer we attended the initial meeting of what is now referred to as the Greater Yachats Vacation Rental Association and were very positively impressed with the tone and direction of the group. We believe that all of us: owners, renters, council members, staff, elected officials, and neighbors, have the best interests of Yachats at heart.

We have carefully read the Yachats Transient Rental Task Force Recommendations and the Greater Yachats Vacation Rental Association' response. We want to thank the task force members and the GYVRA members for their diligence and thoroughness in preparing these documents. While we have no serious concerns with the tightening of the standards (number of cars parked overnight, number of people per sleeping area, etc.), we do believe that the modifications suggested by the GYVRA are reasonable and constructive and help bring some additional clarity to the rules.

We do have some concerns that we share with the GYVRA about the complaint process. The modifications proposed by GYVRA will, we believe, reduce the likelihood of nuisance, trivial, or malicious complaints. Owners should be protected against vendettas or attacks by those who simply oppose vacation rentals or have personal reasons for mounting a campaign against an owner. A complaint should have substance, be verifiable, and give the owner and his or her agent a reasonable opportunity to remedy the complaint.

GYVRA suggested modifications to the complaint process:

“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.”

Thank you again for the time and energy you have devoted to this important matter. We look forward to hearing from you. Please, call or e-mail us at any time if you want to discuss our thoughts or concerns.

Sincerely,

Bill and Robin Stinnett

Dear Mayor Brean, City Council and Chamber of Commerce Members:

We have rented a vacation home in Yachats for almost 15 years, at least a once a year each year and sometimes twice. We have been very fortunate to rent the same wonderful house for most of that time, the initial rental home having since become a privately owned year round residence. We rent the house through Yachats Village Rentals and over the years have found the service to be stellar including during last year's tsunami. The house we rent is well accommodated, well maintained, and posted in the kitchen are numerous documents affording us all the information we could possibly need during our stay including how to follow the tsunami evacuation route adjacent to the house, emergency numbers and procedures, recycling and garbage schedules, etc. We enjoy "blending in" and try to live like locals while there. In fact we like the area and the people there so much we're considering retiring there.

It has however come to our attention that complaints have surfaced from residents regarding the rental homes, some of which we can understand (excessive numbers of vehicles parked on the property and streets, issues with noise and garbage, and concerns about the number of tenants per home). I suspect if we were residents we might have some of those same concerns.

We have been notified about possible resolutions and asked to voice our concerns and ideas. It seems to us that if you want the town to stay alive you should be more interested in finding ways to make the vacation rentals sustainable rather than just eliminate them or restrict them so much that eventually they will no longer be viable. The revenue generated to local business from the rentals helps keep the town alive. How will that revenue be replaced if you eliminate the rentals? What supporting businesses and services are you willing to sacrifice if you close down the rentals?

We hope you are able to find a solution to the issues that is acceptable to all parties. We'd like to continue vacationing there in the near future. We hope when we retire to the area in a few years that Yachats is still on the map and we can continue to support local businesses. It would be a pity to see the city die out.

Suzy and Pete Hastings
Kenmore, WA

Thank you for the opportunity to comment on the proposed TR ordinance amendments.

Like you, we love Yachats and we strongly desire to maintain the character of our “Gem of the Oregon Coast.” To do this, the rights and privileges of all property owners must be respected and protected.

We have owned our home at 270 1st St. for the past sixteen years. During that time, our family and friends have enjoyed staying at the beach along with us. Those stays include enjoying all of the wonderful natural and retail amenities available here. Additionally, many people have rented our beach home and they have also been able to experience and enjoy all that Yachats has to offer.

Over the sixteen years we have rented our home, we have not received notice of any complaints filed with the city. In fact, the only written comments we have received regarding our home have been the many positive comments from our guests who note their appreciation for our home and Yachats in our guest book.

Our house has been under the management of Yachats Village Rentals for the entire sixteen years. Michael Medford has done an excellent job of maintaining the appearance of our house and screening renters. Safety and compliance is a top priority with him and myself.

Obviously, as property owners and landlords we have a vested interest in maintaining Yachats as Yachats. Toward that end, we support some of the proposed TR ordinance amendments. For instance...

While we do support some of the proposed language and the efforts to provide additional guidance for operation of VRD's, we also have concerns about some of the proposed language. Specifically, we are opposed to the complaint process as proposed. Certainly, legitimate complaints need to be heard and addressed. However, to subject VRD owners to such ambiguous complaint language without provision for adequate due process is problematic at best. For instance, while three bona fide complaints of a serious nature may be grounds to penalize VRD operation, there have to be adequate review and appeal mechanisms built into the process. All complaints should have to be in writing and include the name and address of the complaint. There needs to be the opportunity for the VRD owner to

address written complaints. There should be clear and specific ordinance language detailing what type of complaints may result in revocation of a VRD license. Complaints that rise to that level should be of such a nature as to pose a risk to the health and safety of other residents. Mere inconveniences or perceived problems should be treated differently.

In other words, we requested that any language, which may ultimately result in a property owner losing VRD privileges, be clear and objective, fair, and contain adequate appeal and due process provisions. Additionally, the burden of proof to substantiate the legitimacy of complaints should be high and well documented. Finally, specific standards for language is now proposed, the process is rife with potential abuse.

Again, we appreciate your attempt to maintain the livability of Yachats. We ask that you do so in a manner that ensures our private property rights as well.

Thank you,

Jerry McCall

To Whom This Will Concern:

It has been brought to my and my family's attention that our place of happiness, rest, and relaxation is being threatened. My family and I have been renting a variety of homes through Michael Medford, President of Yachats Village Rentals for many years. We have always called Yachats "our little bit of heaven" and love the small town atmosphere. Yachats Village Rentals gives us the flexibility to pick and choose the home that best suits our needs for our get away. It has served this family well for vacations, reunions, as well as, special needs accessibility for my sister. We also have "pets" and when renting a "pet friendly" home, we are very precise about cleaning up after them. All the homes offered through Yachats Village Rentals are unique and lovely, with outstanding accommodations! There are always those who "take advantage" of a good thing. I am confident all those involved with this issue can come to a resolution without threatening the livelihood of Yachats Village Rentals. Please keep in mind there are many of us who truly appreciate your small town and we thank you for allowing us to have a little of the "la-de-dah" piece of mind!

Warmest Regards,

Mark and Leslie Gorham

Ron Brean, Mayor. City of Yachats

Re: Transient Rental Task Force Final Report (January 2012)

Dear Mayor Brean,

We appreciate the efforts of the Transient Rental Task Force to try to find a balance among the rights of those who live in residential zones, the privileges bestowed upon those who wish to operate transient rentals in residential zones, and the City's interest in maintaining revenue sources.

Concerning the Transient Rental Task Force Final Report, here are several suggestions we hope Council will adopt.

Transient Rental Licensing Process ...

The proposed process involves only the applicant, the City Recorder, and the Code Enforcement Officer. This overlooks the possibility that, from time to time, immediate neighbors may have helpful information of which the applicant and City staff are unaware.

Also, immediate neighbors are more likely to be accepting of a new transient rental if they are "kept in the loop" instead of being surprised when renters begin arriving. Therefore, we suggest the licensing process include a provision for immediate neighbors of a proposed transient rental to be notified and given an opportunity to comment.

The proposed process includes the statement, "If proposed rental meets all requirements or applicant states that deficiencies will be remedied, Code Enforcement Officer signs the Application form." Once the license is issued, some applicants may lose the incentive to remedy any deficiencies, as promised. Therefore, we suggest the City maintain its strong position by requiring applicants to remedy any deficiencies *before* the Code Enforcement Officer signs the application.

Transient Rental Licensing Process and Section 4.08.030 Standards (D) ...

These two parts of the Final Report propose requiring an applicant to provide evidence of a right to use an easement, right-of-way, or other conveyance for access. However, the *right* to use this type of access may be quite different from the *advisability* of its use by transient renters. The City recently revoked two transient rental licenses - on 3rd Street and on Spruce Avenue. In both cases, there was a right of access via an easement across private property. In both cases, the manner in which transient renters and property managers used the easement caused encroachment, contention, and complaints – which were factors in the license revocation decisions. Therefore, we suggest these two parts include language allowing City staff, during the application review process, to also consider the history of the property as a transient rental (if any) and whether or not features of the access road (width, slope, curvature, surface condition) are likely to cause difficulty for transient renters and lead to encroachment or other predictable adverse impacts.

Section 4.08.030 Standards (B)...

This standard states that the contact person or agent must be available by phone at all reasonable times (8AM to 11 PM). Our experience is that incidents of loud and prolonged noise often occur *after* 11 PM. This is not unusual when a transient rental is a large house which attracts large parties. If a contact person or agent is not expected to be available by phone after 11 PM, then a late-night noise issue is likely to generate a complaint instead of a resolution. Is it "reasonable" to expect neighbors to endure loud and prolonged noise after 11PM simply because the contact person doesn't have to be available at that time? Therefore, as inconvenient as it may be for contact persons or agents, we suggest they be required to be available and respond in a timely manner *whenever* a transient rental problem is reported to them.

Thank you very much.

Yours truly,

Ingrid Olson

David Schlesinger

Tammy Gagne

Ken Gagne

To the mayor and city council of Yachats Oregon,

We are writing from three perspectives:

- 1) Travelers who love Yachats
- 2) Business owners
- 3) Chamber of Commerce members and board member

1) We have enjoyed our annual visits to Yachats for nearly 10 years, and have always had great experiences with various rentals. Parking and occupancy rules are clearly stated, and we have seen no problems on our visits.

2) We are business owners-and know the restaurants, grocery store and others appreciate our patronage during our stays in Yachats. Kamiah True Value benefits greatly from traveler's dollars.

3) Our Chamber of Commerce and our City Council are dedicated to promoting and supporting local businesses. Our common goal is to make our city a great place to live, work and play. Yachats is also that place please save those jobs. Your Yachats businesses, rental managers and housekeepers rely on active vacation rentals to keep them viable.

Please implement the TR Task Force's reasonable recommendations regarding the complaint process. Definitions, guidelines, proper channels and due process should be a part of these regulations. Obviously property owners and rental managers should be the first to be notified and enforce the rules accordingly'. These decisions should not be left to one individual, allowing personal opinions or agenda to override proper procedures. All investigative mechanism and an appeal mechanism should also be in place. These recommendations will address problems appropriately, solve them and make personality conflicts and frivolous complaints invalid.

Respectfully
Dean and Shirley Roach