



TILLAMOOK

BOARD OF COMMISSIONERS

NOTICE OF MEETING AGENDAS

BOARD OF COMMISSIONERS

David Yamamoto, Chair
dyamamoto@co.tillamook.or.us

Erin D. Skaar, Vice-Chair
eskaar@co.tillamook.or.us

Mary Faith Bell, Commissioner
mfbell@co.tillamook.or.us

CONTACT

Tillamook County Courthouse
201 Laurel Avenue
Tillamook, Oregon 97141
503.842.3403
www.co.tillamook.or.us

COMMUNITY UPDATE MEETING

Tuesday, September 6, 2022 at 8:00 a.m.
Teleconference and KTIL-FM at 95.9

BOARD MEETING

Wednesday, September 7, 2022 at 9:00 a.m.
Nehalem Room
County Courthouse, Teleconference, and Live Video at tctvonline.com

AGENDAS

COMMUNITY UPDATE – 2022-09-06 COMMUNITY UPDATE AUDIO.MP4

CALL TO ORDER: Tuesday, September 6, 2022 - 8:01 a.m.

1. 00:29 Welcome and Board of Commissioners' Roll Call
 2. 01:07 Coastal Caucus
 3. 13:30 Tillamook County Community Health Center
 4. 15:36 Nehalem Bay Health Center & Pharmacy
 5. 16:00 Tillamook Family Counseling Center
 6. 17:32 Sheriff's Office
 7. 18:43 Emergency Management
 8. 22:08 Oregon Department of Transportation
 9. 26:10 Board of Commissioners
- Cities
- 43:36 Bay City
- 43:44 Tillamook
- 47:18 South County

ADJOURN: 8:50 a.m.

MEETING – 2022-09-07 BOCC MEETING AUDIO.MP4
(Commissioner Bell Absent – Out of Office)

CALL TO ORDER: Wednesday, September 7, 2022 9:00 a.m.

1. 02:32 Welcome & Request to Sign Guest List
2. 02:40 Pledge of Allegiance
3. Public Comment:
02:52 Short Term Rentals/Zach and Margot Clement
4. Non-Agenda Items:
07:08 One Unscheduled Agenda Item

LEGISLATIVE – ADMINISTRATIVE

5. 07:27 Discussion and Consideration of a Professional Services Agreement with Roger Cook Ph.D., LPC for Sex Offender Assessment and Counseling Services/Lieutenant Ahnie Seaholm, Sheriff's Office

A motion was made by Vice-Chair Skaar and seconded by Chair Yamamoto. The motion passed with two aye votes. The Board signed the agreement.
6. 10:40 Discussion and Consideration of a Resolution Proclaiming the Month of September as "Suicide Prevention Month" in Tillamook County, Oregon/Janeane Krongos, Prevention Specialist; Frank Hanna-Williams, Executive Director, Tillamook Family Counseling Center

A motion was made by Vice-Chair Skaar and seconded by Chair Yamamoto. The motion passed with two aye votes. The Board signed #R22-009.

21:14 **UNSCHEDULED:** Discussion and Consideration of an Order in the Matter of Intent to Award a Contract for the Memaloose Boat Ramp Dredging Support/JoAnn Woelfle, Director Parks Department

A motion was made by Vice-Chair Skaar and seconded by Chair Yamamoto. The motion passed with two aye votes. The Board signed Order #22-055.
7. 24:02 Discussion and Consideration of Modification #10 to Personal Services Agreement #4334 with Helion Software, Inc. for ORCATS Tax and Assessment Software License, Maintenance and Support Services/KaSandra Larson, Chief Deputy Assessor & Tax Collector

A motion was made by Vice-Chair Skaar and seconded by Chair Yamamoto. The motion passed with two aye votes. The Board signed the agreement.

8. 26:48 Discussion and Consideration of the Secure Rural Schools and Community Self Determination Act Fiscal Year 2022 Election Allocation for Title I, Title II, and Title III Funds for Tillamook County/Rachel Hagerty, Chief of Staff
- A motion was made by Vice-Chair Skaar and seconded by Chair Yamamoto. The motion passed with two aye votes. The Chair signed the election allocation.
9. 33:47 Discussion and Consideration of an American Rescue Plan Act Subrecipient Agreement with Trees2Sea Montessori for Preschool Startup Equipment and Materials/Rachel Hagerty, Chief of Staff
- A motion was made by Vice-Chair Skaar and seconded by Chair Yamamoto. The motion passed with two aye votes. The Board signed the agreement.
10. 37:24 Discussion and Consideration of a Personal Services Agreement with Breanna Stephens HR Consulting, LLC for Interim Human Resources Services/Rachel Hagerty, Chief of Staff
- A motion was made by Vice-Chair Skaar and seconded by Chair Yamamoto. The motion passed with two aye votes. The Board signed the agreement.
11. 40:56 Discussion and Consideration of an Order in the Matter of the Appointment of a Member to the Tillamook County Tourism Advisory Committee (TAC)/Rachel Hagerty, Chief of Staff
- A motion was made by Vice-Chair Skaar and seconded by Chair Yamamoto. The motion passed with two aye votes. The Board signed Order #22-056.
12. 43:00 Discussion and Consideration of Transient Lodging Tax Grant Agreement #2022-P-1 with the Salmonberry Trail Foundation for Salmonberry Trail Organizational Capacity – Year 2 Project/Rachel Hagerty, Chief of Staff
- A motion was made by Vice-Chair Skaar and seconded by Chair Yamamoto. The motion passed with two aye votes. The Board signed the agreement.
13. 48:46 Board Concerns – Non-Agenda Item: There were none
14. 55:16 Board Meetings and Announcements

ADJOURN – 9:56 a.m.

JOIN THE BOARD OF COMMISSIONERS' MEETINGS

The board is committed to community participation and provides opportunity for public attendance during meetings via in-person and teleconference.

- **Community Update Meetings: Tuesdays at 8:00 a.m.**
 - Teleconference: Dial 971-254-3149, Conference ID: 736 023 979#
 - Radio: KTIL-FM at 95.9

- **Board Meetings: Wednesdays at 9:00 a.m.**
 - County Courthouse: Nehalem Room, 201 Laurel Avenue, Tillamook
 - Teleconference: Dial 971-254-3149, Conference ID: 736 023 979#
 - Live Video: tctvonline.com

MEETING INFORMATION AND RULES

- Matters for discussion and consideration by the board shall be placed on an agenda prepared by the staff and approved by the board chair. Any commissioner may request items on the agenda.
- Public hearings are formal proceedings publicized through a special public notice issued to media and others. Public hearings held by the board are to provide the board an opportunity to hear from the public about a specific topic. Public hearings are therefore different regarding audience participation at board meetings.
- Commissioners shall be addressed by their title followed by their last name.
- Commissioners shall obtain approval from the chair before speaking or asking questions of staff, presenters, and public. As a courtesy, the chair shall allow an opportunity, by the commissioner who has the floor, to ask immediate follow-up questions.
- A majority of the board shall constitute a quorum and be necessary for the transaction of business.
- All board meeting notices are publicized in accordance with public meeting laws.
- All board meetings shall commence with the Pledge of Allegiance.
- The chair will utilize the gavel as needed to maintain order, commence and adjourn meetings, and signal approval of motions.
- The board reserves the right to recess to executive session as may be required at any time during these meetings, pursuant to ORS 192.660(1).
- The courthouse is accessible to persons with disabilities. If special accommodations are needed for persons with hearing visual, or manual impairments who wish to participate in the meeting, contact (503) 842-3403 at least 24 hours prior to the meeting so that the appropriate communications assistance can be arranged.

PUBLIC COMMENT

- Providing public comment is an opportunity for constituents to be heard and express their views to the board.
- The board allows public comment at board meetings during the public comment period designated on the agenda.
- Comments are limited to one per person and per agenda item.
- Comments must be related to the agenda item(s) previously registered to comment on.
- The allotted time for public comments is two minutes per person; this time may not be allotted to another speaker. The chair may, at their sole discretion, further limit or expand the amount of time.
- The public comment opportunity is not a discussion, debate, or dialogue between the speaker and the board, which may or may not respond.
- Members of the public do not have the right to disrupt the meeting; the board may prohibit demonstrations such as booing, hissing, or clapping.
- Remarks containing hate speech, profanity, obscenity, name calling or personal attacks, defamation to a person, people, or organization, or other remarks the board deems inappropriate will not be allowed.
- Failure to follow all rules and procedures may result in not being able to provide public comment and/or being removed from the meeting.

In-Person Procedures

- Sign in before the meeting begins and indicate your desire to provide public comment and which agenda item you would like to comment on. When your name is announced, please come forward to the table placed in front of the dais and for the record, first identify yourself, area of residence, and organization represented, if any.

Virtual Procedures

- Register by sending an email to publiccomments@co.tillamook.or.us by 12:00 p.m. on the Tuesday prior to the board meeting. The email must contain all of the following information:
 - Full name, area of residence, and phone number.
 - Agenda item(s), you wish to comment on.
- Once registered, and before the start of the meeting, board staff will email a Microsoft Teams meeting link.
- When logged in to the meeting you must remain muted with your camera off until your name is called, then you unmute and turn on your camera.
- The chair may require those providing virtual comment to turn on their camera while providing comment or testimony.

Written Procedures

- Written comments may be mailed to 201 Laurel Avenue, Tillamook, Oregon 97141 or emailed to: publiccomments@co.tillamook.or.us.
- Written comments received by 12:00 p.m. on the Tuesday prior to the board meeting will be distributed to the board and posted online. All written comments submitted become part of the permanent public meeting record.

AGENDAS

COMMUNITY UPDATE

CALL TO ORDER: Tuesday, September 6, 2022 8:00 a.m.

1. Welcome and Board of Commissioners' Roll Call
2. Adventist Health Tillamook
3. Coastal Caucus
4. Tillamook County Community Health Center
5. Nehalem Bay Health Center & Pharmacy
6. Tillamook Family Counseling Center
7. Sheriff's Office
8. Emergency Management
9. Oregon Department of Transportation
10. Board of Commissioners
11. Cities
 - a. Manzanita
 - b. Nehalem
 - c. Wheeler
 - d. Rockaway Beach
 - e. Garibaldi
 - f. Bay City
 - g. Tillamook
 - h. South County

ADJOURN

MEETING

CALL TO ORDER: Wednesday, September 7, 2022 9:00 a.m.

1. Welcome & Request to Sign Guest List
2. Pledge of Allegiance
3. Public Comment
4. Non-Agenda Items

LEGISLATIVE – ADMINISTRATIVE

5. Discussion and Consideration of a Professional Services Agreement with Roger Cook Ph.D., LPC for Sex Offender Assessment and Counseling Services/Lieutenant Ahnie Seaholm, Sheriff's Office
6. Discussion and Consideration of a Resolution Proclaiming the Month of September as "Suicide Prevention Month" in Tillamook County, Oregon/Janeane Krongos, Prevention Specialist; Frank Hanna-Williams, Executive Director, Tillamook Family Counseling Center
7. Discussion and Consideration of Modification #10 to Personal Services Agreement #4334 with Helion Software, Inc. for ORCATS Tax and Assessment Software License, Maintenance and Support Services/KaSandra Larson, Chief Deputy Assessor & Tax Collector
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12. Discussion and Consideration of Transient Lodging Tax Grant Agreement #2022-P-1 with the Salmonberry Trail Foundation for Salmonberry Trail Organizational Capacity – Year 2 Project/Rachel Hagerty, Chief of Staff
13. Board Concerns – Non-Agenda Items
14. Board Announcements

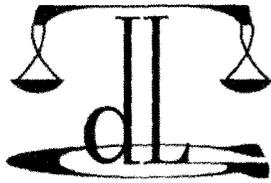
ADJOURN

OTHER MEETINGS AND ANNOUNCEMENTS

Labor Day is an observed holiday for the County and the Oregon State Circuit Court. All County offices in the Tillamook County Courthouse, Tillamook County Library, administrative offices in the Jail and Justice Facility, Public Works Department, Department of Community Development, Surveyor's Office, and the Health and Human Services Department and clinics will be **CLOSED** on **Monday, September 5, 2022.**

The Commissioners will hold a Board Briefing on **Wednesday, September 7, 2022** at **2:00 p.m.** to discuss weekly Commissioner updates. The meeting will be held at the Courthouse in the Nehalem Room, 201 Laurel Avenue, Tillamook, Oregon. The teleconference number is 1-971-254-3149, Conference ID: 736 023 979#.

There is **NO** Board Meeting or Board Briefing scheduled for **Wednesday September 14, 2022.**



THE DUBOFF LAW GROUP

*We wrote the book
on small business law*

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August 23, 2022

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VIA FIRST CLASS MAIL

Tillamook County Courthouse
Attn: Board of County Commissioners
201 Laurel Avenue
Tillamook, OR 97141

RE: Exception for Short-Term Rental Applicants Awaiting Inspection

Dear Board of County Commissioners:

This law firm represents Zachary and Margot Clement (the "Clements"). In 2021 the Clements purchased a lot in Tillamook County on which to construct a house to be used as a family vacation home. In order to finance this, the Clements planned to rent out the property up to 60% of the year. Construction on the property began in September of 2021.

In May, this Board approved Order #22-033, suspending the issuance of new short term rental permits from July 1, 2022 through July 1, 2023. This order, however, made no exceptions for properties under construction and that would not be able to secure certification by the County Building Official in time for the July 1st 2022 deadline. As has been the case for many construction projects in the State, the Clements's house faced delays due to supply shortages. Nevertheless, upon learning of Order #22-033 they had hoped their house would be completed in time for an inspection to be completed. However, on June 30th, despite the house being otherwise ready for final inspection, there were delays in the sewer/water and power utility connections, which were completely out of the Clements's control. As a result, the Clements were forced to submit a Short-Term Rental Application Packet to the Tillamook Department of Community Development on June 30th, 2022, with every item required by Ordinance 84, Section 9(a) except for the County Building Official Certification. This application was ultimately denied by the Department of Community Development for the lack of an inspection.

The Clements are not alone in their dilemma, as numerous other properties were under development and nearing completion in Tillamook County when Order #22-033 was approved. An exception was granted to "...properties that are pending sale and in escrow on July 1, 2022,"

allowing buyers to file applications after the July 1st deadline, once they had become the legal owner¹. A similar exception should have also been extended to property owners who were nearing completion of construction, but would not have been able to complete an inspection before the July 1st deadline.

Such an exception was even considered during the May 25th Board Meeting, but the Board ultimately chose not to include an amendment with the exception. Of note, it was concluded that any person in this situation would have the option of long-term rentals/leases, or owners would have to forego any rentals until the end of the July 1, 2023 expiration. This reasoning, however, is flawed in multiple ways.

It is likely that not all properties will be able to begin offering short-term rentals at the end of the July 1st deadline, as part of the purpose of the pause is to allocate yearly limits for future short-term rental permits. As such, many of the properties that would have otherwise been able to obtain a permit will likely have to wait multiple years after the end of the pause before they can begin offering short-term rentals. This will have a significant impact on the revenue of affected properties.

The idea that long-term rentals would yield sufficient returns compared to short-term rentals is speculative at best. When considering rental rates, long-term rentals compete with the housing market, not hotel rates. As such, monthly rental rates for vacation properties will average the same as for any other rental home. In Tillamook County a 3 to 4 bedroom home can rent for \$1,400 to \$1,700 a month². In the *offseason* short-term rentals in Tillamook County can bring in \$150 a night on the low end, not including other fees. This means that in just 10 days a rental property would make up to or over a monthly rate³. During peak vacation times, daily rents can be 50% to 200% higher⁴.

It should not be assumed that property owners were naïve to the volatility of real estate and vacation home investments. As was mentioned in the May 25th Board Meeting, there is volatility in any investment, real estate especially. However, such volatility is planned for and calculations on income expectation are conservative to ensure the feasibility of the investment. A pause of one or more years, however, means any calculations that took offseason and peak vacation season fluctuations into account are now useless. If short-term rental frequencies were low, property owners could adjust their personal use to accommodate renters during more demanding and lucrative periods, as well as add days they would have otherwise reserved for personal use. Relying on monthly or yearly contracts removes this flexibility and potential to capitalize on peak times as they can often be limited to just a few days, such as holiday weekends.

In addition, long-term rentals come with significantly more government regulation. Oregon's rental laws are some of the strictest in the United States. The existing laws are vast and complex. On top of this, the pandemic has resulted in many temporary regulations that have constantly changing deadlines and expiration dates as the State Legislature has chosen to extend

¹ Order #22-033, Paragraph 11.

² RentData.org, <https://www.rentdata.org/tillamook-county-or/2022>

³ Airbnb, <https://www.airbnb.com/tillamook-county-or/stays>

⁴ Airbnb, <https://www.airbnb.com/s/Tillamook-County-->

OR/homes?adults=4&place_id=ChIJ8bXpy4PU6lQRvuScRL2iKEI&refinement_paths%5B%5D=%2Fhomes&checkin=2023-06-01&checkout=2023-06-07

some regulations, while allowing others to expire. This law firm can attest to the difficulty in navigating these regulations as our office was inundated with calls from property owners, including many seasoned landlords, asking for help understanding these regulations. To force property owners with little to no experience as landlords to temporarily dive into the deep end of Oregon rental law is illogical. Short-term rentals are typically done through online lodging companies like Airbnb or Vrbo who provide contracts, facilitate payments, and offer other support for property owners. In contrast, long-term rentals may require additional expenditures, such as legal fees, to ensure those rentals are compliant with Oregon law. Even in instances where online lodging companies can help facilitate long-term rentals, those rentals still face increased costs and the issues of lower rates and decreased flexibility.

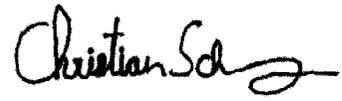
Simply put, long-term rentals are no substitute for short-term rentals. With decreased rental income and additional expenses, many property owners will face significant financial hardship and even risk losing their properties. Blaming investment volatility is not an excuse for failing to protect property owners in Tillamook County. A failed investment as a result of mismanagement or factors outside of an owner's control can be expected. However, when government regulation fails to implement safeguards for property owner's it becomes an injustice. Neither this firm nor the Clements argue against the regulation of short-term rental properties in order to balance the needs of Tillamook County's growing tourism economy and the long-term housing needs for the community. Nevertheless, those efforts should not be implemented in such a haphazard way as to put property owners in financial jeopardy.

It is arguable that property owners in situations similar to that of the Clements would have legitimate cause for legal action against the County for its failure to provide adequate time and/or exceptions for homes under construction to meet the deadline pausing short-term rental permits. Per Oregon law, counties and municipalities have the authority to regulate and restrict short-term rentals. However, this authority does not provide immunity from litigation by property owners whose financial interests may be affected by such regulations. This was clearly a consideration of the Board when it included the exception for properties pending sale and in escrow on the July 1st deadline. Without an exception for those whose properties were under construction, the County is arguably interfering with their financial interests and prospects. Considering the limited time between the deliberation and passing of Order #22-033 at the end of May and a July 1st deadline, it is also arguable that the county failed to provide adequate notice to property owners. The Clements, for example, were completely unaware that Order #22-033 was even being considered in the May 25th Board Meeting. Its passing then only allowed owner's 5 weeks to attempt to meet the deadline during a pandemic and at a time when local and global supply chain constraints are causing significant construction delays. It was unrealistic to expect such a short period of time to be adequate for property owners to make plans for the deadline. In effect, the moment the order was signed the Board had already condemned those still in construction to having no chance at obtaining short-term rental permits.

It is thus necessary for this Board to implement a reasonable exception in order to protect property owners. The Clements and others are not asking this Board to revoke Order #22-033, they are simply asking that an exception be made for those who were nearing completion or had completed construction, but were unable to have their homes inspected in time for the July 1st deadline.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Christian Schneider". The signature is written in a cursive style with a long, sweeping underline.

Christian A. Schneider
Attorney

P: (503) 968-8111

E: cschneider@dubofflaw.com