



## **SHORT-TERM RENTAL ORDINANCE IMPLEMENTATION WORK GROUP AGENDA**

**Friday, May 07, 2021 - 2:00 PM**

**City Hall, Conference Room A, 169 SW Coast Hwy, Newport, OR 97365**

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This will be a hybrid meeting, which means that it will be held electronically, via Zoom, with a limited number of people (up to 15) allowed to attend in-person. The meeting will be live-streamed at <https://newportoregon.gov>, and broadcast on Charter Channel 190.

Anyone interested in making public comment is allowed to attend in-person, subject to congregant limitations (up to 15).

Anyone wishing to provide real-time, virtual public comment should make a request at least four hours prior to the meeting, at [publiccomment@newportoregon.gov](mailto:publiccomment@newportoregon.gov), and request the Zoom meeting information.

Anyone wishing to provide written public comment should send the comment to [publiccomment@newportoregon.gov](mailto:publiccomment@newportoregon.gov). The e-mail must be received at least four hours prior to the scheduled meeting.

The agenda may be amended during the meeting to add or delete items, change the order of agenda items, or discuss any other business deemed necessary at the time of the meeting, and pursuant to the municipal code.

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### **1. INTRODUCTIONS**

### **2. PUBLIC COMMENT**

*This is an opportunity for members of the audience to bring to the Work Group's attention any item not listed on the agenda. Comments will be limited to three (3) minutes per person with a maximum of 15 minutes for all items. Speakers may not yield their time to others.*

**3. REVIEW AND AMEND AGENDA, AS NEEDED**

**4. APPROVAL OF MINUTES**

**4.A January 7, 2021 STR Implementation Work Group Meeting.**  
[01-07-2021 STR Work Group Draft Minutes](#)

**5. PUBLIC COMMENT**

*This is an opportunity for members of the audience to bring to the Work Group's attention any item not listed on the agenda. Comments will be limited to three (3) minutes per person with a maximum of 15 minutes for all items. Speakers may not yield their time to others.*

**6. DISCUSSION ITEMS**

**6.A Update on Licensed Short-term Rentals, Cap, and Waitlist.**

[Memorandum](#)

[Summary of short-term rental counts, effective 5/3/21](#)

[STR Waitlist Update 5/3/21](#)

[Detailed list of active and inactive short-term rental properties](#)

**6.B Short-Term Rental Enforcement Update.**

[Memorandum](#)

[Memo from CSO Folmar, dated April 7, 2021](#)

[Correspondence Related to Resolution of Citations #38584, 38585, & 38586](#)

[Correspondence Related to Service of Citations](#)

[Email from Carla Perry, dated 1/18/21](#)

**6.C Online Payment of Business License and Room Tax Assessments.**

[Memorandum](#)

**6.D 30-Day Rental Requirement.**

[Memorandum](#)

[Ordinance No. 2168](#)

[City Manager Memo from 6/30/20 Reducing Required Rental Days for FY 19/20](#)

[April 14, 2021 Email from Maria Van Houten](#)

**6.E Developing STR Ordinance Implementation Work Group Recommendations.**

[Memorandum](#)

Email from Sherri Marineau, dated 4/29/21  
Email from Cheryl Connell, dated 2/24/20

- 6.F City Coordination with STR Owners Regarding Fourth of July Fireworks.  
Email - Cynthia Jacobi
7. FUTURE MEETING SCHEDULE
8. ADJORN

**Draft MINUTES**  
**City of Newport**  
**Short-Term Rental Implementation Work Group Meeting**  
**City Hall, Council Chambers by Video Meeting**  
**Thursday, January 7, 2021**

**Work Group Members Present by Video:** Cynthia Jacobi, Dietmar Goebel, Spencer Nebel, Bill Branigan, John Rogers, Sandra Roumagoux, and Jamie Michel.

**City Staff Present by Video:** Community Development Director (CDD), Derrick Tokos; Police Chief, Jason Malloy; Community Service Officer, Jim Folmar; and Executive Assistant, Sherri Marineau.

**Public Members Present by Video:** Traci McDowall.

1. **Call to Order.** The meeting was called to order at 3:04 p.m.
2. **Review and Amend Agenda as Needed.** None were heard.
3. **Approval of Minutes.** Motion was made by Bill Branigan, seconded by Jamie Michel to approve the September 28, 2020 Short-Term Rental Implementation Work Group meeting minutes as written. The motion carried unanimously in a voice vote.
4. **Public Comment.** Traci McDowall, Attorney for Lauri Hines, addressed the Work Group and noted she was present to answer questions concerning the letter she submitted to them. Tokos noted this discussion would be added to the enforcement agenda item 5C.
5. **Committee Discussion Items.**
  - A. **Update on Licensed Short-Term Rentals, Cap, and Waitlist.** Tokos reviewed the memo and the current status of short-term rental (STR) licenses. He noted there had been a few license openings. Tokos explained this was time intensive and they would be looking to offer open spots once a year after renewals were done every fall. Nebel asked what the original number of licenses were, in and out of the permitted zone, before the updates to the code were done. Tokos didn't have the exact number but thought it was somewhere between 220 to 240. He reminded that this was a period of time where people filed applications before the new rules fell away. Nebel requested they track what was happening over time at the next meetings.

Roumagoux asked what the definition of a homeshare was. Tokos explained there were three types of rentals. A VRD was when the entire unit was rented, B&Bs had a full time resident that provided food service, and a homeshare was where the property owner resided there and rented up to two rooms. Roumagoux asked if homeshares had to follow the same rules as VRDs. Tokos explained that VRDs were subject to stricter standards and limited to a geographic zone called the overlay zone. Preexisting to this, VRDs that had licenses and were nonconforming and outside of the overlay zone would go away when they were sold. Homeshares were not subject to geographic limits or the cap on the number of licenses. Tokos also noted that VRDs were subject to spacing standards, but homeshares and B&Bs weren't.

- B. **Limitations on Regulating Accessory Dwelling Units.** Tokos acknowledged the comments submitted by Carla Perry, Cheryl Connell and Mona Linstromberg. He noted their concerns did include the Hines property. As far as the regulatory issue, the legislature put in limitations and mandates as it related to Accessory Dwelling Units (ADUs). ADUs were a small secondary dwelling unit on a property. Typically ADUs were less than 800 square feet in size. They could be attached to the principal dwelling or detached. In the past when they put ADU regulations in place, the Planning Commission felt it important to put in provisions that at least one unit was owner occupied and required one parking space when an ADU was built, in addition to the off-street parking required for the principal dwelling. Legislature in 2019 said the owner occupancy of the principal dwelling unit and the off-street parking requirement for ADUs wasn't reasonable and they couldn't do anymore, expect if the

ADU was used for STR purposes. If the ADU was used for STR purposes you could require that unit to have additional off-street parking and require the ADU to be owner occupied. This was in respect to ADUs, not the principal dwellings. Tokos explained they could amend the code so that the principal dwelling unit be owner occupied if the ADU was being used for vacation rental occupancy. However, they couldn't do the opposite and require owner occupancy of an ADU if the ADU wasn't being used for vacation rental purposes.

Tokos reviewed the DLCD Frequently Asked Questions that were put out for these bills and how they applied to ADUs. The question was if an ADU was used for vacation occupancy, was there any need to do anything further. The code that was in place already required off-street parking for ADUs and the primary dwelling. The question was if ADUs should have the requirement that it be owner occupied if it was a vacation unit. Tokos noted that ADUs were typically small by definition, and 800 square feet or less. Tokos noted it was unclear why they would want to do this because it would in essence make it a homeshare, which was also addressed under the code. He didn't see this as a code issue or something that needed to be addressed by code because it was already addressed quite explicitly in the short-term rental ordinance that dealt with vacation occupancy. Tokos thought, with respect to Perry's thoughts to have an owner occupancy of an ADU for STRs to provide certain oversight, they couldn't get there given how the statute was written.

- C. **Short-Term Rental Enforcement Update.** Tokos reviewed his memorandum. Michel asked how the city felt about the fact that they were getting calls that should be going to the property managers and asked if they were spending extra money to take these calls. Tokos explained it was a flat fee for the service and the number of calls didn't impact the rate. Michel noted the complaints were by five people and were for five specific STRs. She felt they needed to address the neighbor problems and they would benefit from a neighbor mediation program. Michel thought there would be a more effective way to help neighbors mediate concerns with their problems. She hoped they could find a creative and effective way to address these citizens and their concerns. Jacobi didn't agree with Michel. She thought the citizens who complained were in a different situation in their neighborhood. Jacobi noted almost all of these citizens submitted complaints lived in Newport and one lived there parttime. She hoped these issues could be ironed out and thought there were a couple of trouble areas.

Branigan asked for Traci McDowall to speak and walk them through the letter she sent to the City. McDowall addressed the Work Group and explained that she pulled public records to find out about the complaints, who was doing them, and how often they were filing unactionable complaints. The STR at 1330 NW Spring St had received 17 complaints, all of which were filed by Carla Perry and Elaine Karnes. McDowall noted that nobody else submitted complaints and she felt these two complainants had been very vocal in opposition to STRs in the city. She felt this was taking time away from the Community Service Officer (CSO) and the city to investigate, and there was rarely anything done about it. McDowall felt this was an abuse of the system for what it was intended for and there was no recourse for property owners. There had been no direct contact with owner and property manager and they were using the hotline to type out a complaint without any recourse. McDowall didn't think this was operating the way it was intended. Branigan asked if her client had asked for mediation. McDowall thought mediation was a great idea. She reported that she practiced landlord tenant law, and when a landlord wanted to file an eviction action in court, the local courts required that for the first hearing, the parties were sent to mediation. McDowall believed in the program and thought her clients were receptive to this. She felt they were doing everything they could, but the complaints continued to come in and most of them were unactionable.

Jacobi asked which items were actionable in the complaints. McDowall didn't have that information in front of her to reference but did note that when she was going through them she was shocked at the amount that was unactionable. Jacobi asked if there was a type of complaint that was unactionable. McDowall reported one example was the advertising of the rental. There were multiple platforms that the STR was advertised on and a third party vendor was used to be efficient. The problem was that the third party vendor didn't always connect with the different advertisers. When a change was made to one advertisement, it sometimes didn't always happen on all the other advertisers. When the changes were made they learned it took a lot of effort to go back and forth with CSO Folmar to make sure it was fixed. This was an example where they found a correction and it was fixed. Michel noted that the software used to advertise was a channel manager and talked to all the online travel agents. Sometimes there were other companies that would skim on the advertising and there wasn't any way to monitor

this. When they made changes on occupancy, there was almost always a glitch where it wasn't picked up in other advertisements. Michel thought this backed up McDowall's claims.

Goebel asked McDowall what her clients were asking the Work Group to do. McDowall wanted the Work Group to address the process that was created for complaints to be filed, and the issue of there not being anything a property owner could do when there was excessive complaints. Her clients were investigating what legal options they had because there was no recourse for the owners when the complaints were excessive. Goebel questioned if the Work Group should continue discussing this if there was potential for litigation. McDowall thought it would be good to have open communications and thought possible solutions was the way to go. Her clients were frustrated on how this was going. Goebel noted his understanding was that law enforcement in place was responding to a complaint, recording them, and making them available to the public. Other than that, he didn't know that law enforcement was doing anything to keep her clients from renting out their properties. McDowall clarified that she wasn't saying law enforcement was doing anything wrong, she was saying there was no recourse for property owners when multiple unactionable complaints were being made. Law enforcement was contacting the property owner to resolve an issue but there was no desire by the complainant to resolve the issue because they just wanted to stir the pot. Goebel thought they should work with staff to come up with a solution Roumagoux asked if the owners were residents of Newport. McDowall confirmed they were residents of Lincoln County.

Michel asked if there was any mediation available with the City for complaints that become unfounded. She noted the County was looking into putting in a neighbor to neighbor mediation program and asked if the city had any experience with this. Tokos thought this would be good question on if the Work Group wanted to bring up any information relative to this and if it would fit with them beginning to form the initial recommendation to the City Council. Michel asked that this be added to that list. Tokos noted he would add as this as a follow up item to bring back to the group. Goebel was concerned that this would mean the city would be the enforcer and the mediator. Tokos explained there would be a third party mediator. Nebel reported there wasn't a regular mediation program at the city and they would have to look at where it would come into play. The city did work with neighbors on various issues through the CSOs. In this case, there could be a benefit to having a mediator to help with the issues and concerns of the neighbors and owners. Michel thought this could serve across the city not just with STRs. Goebel asked who the mediator would work for and how they would get paid. McDowall explained this could work in many ways. She believed the state court mediators either volunteered or were paid through the state court. In other types of mediation, the cost was shared with the parties involved. Michel noted that when it started costing money there would be some peace. She wasn't just thinking about STRs but other issues the city could get involved in. Nebel noted there were unhappy people on this issue and the process that was laid out wasn't working in that fashion. He thought mediation in this instance would be a good idea and this might be the trial basis to see if it was worth pursuing on a more organized level going forward. They would talk about this on a staff level about the more immediate issues on a trial basis.

CSO Folmar noted an issue he was having with the online reporting not getting filtered through LodgingRevs and going straight to the Police Department (PD). Many times the STR owner only heard about the complaint through the CSO. This took out the owner and manager resolving the issues first. Folmar questioned how they could resolve this. He noted the bulk of the issues that were unresolved were because of this. This became a bigger issue down the line because there was no contact with owners or the emergency contact until a later date when the CSOs got in touch with the owner to resolve the issues. Michel suggested the online complaint form have in the hotline recording and show a question online in bold asking if they had contacted the owner first. Folmar reported that if they call the hotline number they were getting in touch with the LodgingRevs call center. They would field the call and contact the emergency contact to resolve. If this didn't get through, it then went to the CSOs. This only happened when someone used the hotline to call in. Online complaints took this element out of the loop and it went straight to the CSO. Tokos noted that LodgingRevs' platform did not support linking this through. He noted that on the same page of the incident form on the city's website was a link to a list of all licensed STRs with their contact information. When someone was filing a complaint online they had access to this contact information as an avenue. The code that was in effect prior to this version required that those that filed incidents worked through the manager of the units. Through the code update there was a strong desire by the group that this provision be changed, and they did not want to have to work through the management. They felt that units should be operating consistent with their licenses and they wanted the ability to raise the issue

directly with the city and then the city would enforce, as opposed to them having to work with the management. Tokos noted they could go back and make some hybrid changes, but he wanted to make it clear how this issued evolved. He also wanted to make it clear that the specific individuals who filed the complaint that McDowall was referencing came through McDowall's public records requests and wasn't part of the report that Tokos provided. He didn't not include that level of detail in the report to protect those who had lodged incidents and to protect the property owners who had incidents filed against their property. This information was obtained through a public record request if someone wanted specific details of that nature.

Tokos noted that McDowall referenced a pending citation with the city and explained the Work Group wasn't set up to adjudicate this. He noted the payments that McDowall's clients paid were for utilities bills and different than paying for license renewals. The City didn't have record of payments for the business license. McDowall would touch base with Tokos to follow up on this.

Michel noted that several of the original members on the Short-Term Rental Advisory Committee were the same citizens making complaints and only using the online system to lodge complaints. It seemed to her that the same citizens pushed the group to set up a system the way it was set up and were now choosing to only going through the Police Department with not apparent intention to try and resolve the issues with their neighbors. She didn't discount anyone's issues. Michel wanted the Work Group to come up with ways to streamline this so it worked. She felt it was the same citizens who were drilling this until the whole program was gone. Michel felt as a committee it was their obligation to look into this and realize they weren't there yet.

Branigan asked if what they were talking about here was the exception. The overall purpose of the program was that there would be sporadic complaints against random STRs and this would be a way to contact the owners. He didn't know that they needed to fix this as much as the exception they were talking about. Folmar thought that if there was a link in the online complaint form to see what the emergency contact information for the STRs was, the complainant could go ahead and make the contact. If this was in place, the people who were reporting online should take the extra step to contact the emergency contact so they could resolve the issues. Goebel thought it sounded like staff should come back with recommendations on mediation and what this would look like. Tokos noted this was the plan, along with providing other recommendations as well. They would take a look and see if there were things other jurisdictions were doing on mediation issues.

McDowall asked if there was way to pay endorsement and business license fees online at that time. Tokos reported there wasn't at that time and they were working on automating this. Nebel noted the Council voted to authorize a new bill paying system and the process to implement the new system would be underway in the next few months. McDowall suggested it be clear to business owners that they can't use Express Pay to pay fees online because her client thought they were doing the right thing by paying online. Roumagoux added that she was a business owner and she paid by check for her business license. Michel noted most people didn't have checks currently and the city had to keep up with the program to make it electronic. Tokos noted that once it was automated it would give the city the option to explore the auditing more. (3:15)

Folmar gave an update on the parking complaints on Agate Way noting a first strike letter was sent to the homeowner on the basis that LodgingRevs attempted to contact them six times without getting a response. They now had a first strike. Michel asked if everything else was running smoothly with the program. Folmar confirmed they were pretty much running with a 100 percent compliance.

**D. Follow-up on Dog Attack Involving Pet Owned by STR Guest.** Folmar reported he had nothing to do with the investigation and Malloy would be the person to answer the questions, but he had left the meeting already.

Tokos asked Jacobi if the follow up information addressed the issue. Jacobi wanted to clarification the City of Newport's lease law and who was responsible when there was an outside visitor staying in a STR and there was a dog problem such as this incident. She also asked what happened when there was a vicious dog report and the dog was brought back to its hometown. Did the police department or animal control in other towns get contacted to let them know the dog lived there. Jacobi didn't think there was good enough follow up there. Nebel reported that in Chief Malloy's communications he indicated that animal bites or attacks were handled by Animal Control

and not by the Police Department. The fact that this occurred in a STR wasn't relevant and didn't fall under the STR ordinance. Newport had a leash law and the issue was turned over to animal control who handled the situation. Goebel didn't think there as a political way to resolve this and felt it wasn't a Council or committee process, but a civil process in the courts. Nebel noted this was typically handled by animal control and why there wasn't much information. They could follow up on this more and asked Jacobi to provide what she wanted to know. Jacobi noted this happened at the Spring Street STR. Nebel reminded this had no merit on the incident. Jacobi just thought it didn't seem like it had been resolved. A discussion ensued regarding what the PD would enforce when it came to these issues. Branigan suggested Jacobi contact the Sherriff's Office because they dealt with these issues and did follow up.

**E. STR Ordinance Implementation Work Group Recommendations (Preliminary Discussion).** Tokos explained this agenda item was the beginning of a discussion on the framework of the recommendation to the City Council. He noted there was one recommendation to establish a standing STR Committee, and another to look at options where there were neighbors with ongoing complaints on a regular basis.

Tokos asked if there was other information he should bring back to start to frame the Work Group's recommendations. Goebel thought the standing committee was good idea and asked if Tokos was looking at the structure of what that committee would look like. Tokos explained he would be talking about this to weigh what they could support with the staff they had and what the ongoing roll would be. Michel wanted to look at the timeframe they were giving a person to decide when they are given an open space for a license. Tokos explained they didn't have a year to ponder if they wanted to pursue a license. They were given a certain number of days to determine if they wanted to pursue a license or not. This was a piece they hadn't really flushed out in detail with the original ordinance, so they have had to build it up as they worked through it. Michel thought they should discuss where they were and what they wanted to pursue on this. She didn't think there needed to be long timeframes and it tied up a space that wasn't going to be used. Tokos reported that one issue that would sometimes hold up the process was when they dealt with building safety issues. He noted the city had been pretty flexible in this regard. Michel asked for the Work Group to look at things they could tighten up in the ordinance, such as this.

Roumagoux thought that the COVID pandemic was an important thing to consider. She felt that complaints about masks were important and wanted the Work Group to consider this. Tokos noted the ordinance has been done before the pandemic hit. The ordinance was structured such that our ability to cite was limited to a violation under the ordinance. The emergency orders for COVID pandemic wouldn't generate a strike because it wasn't in the ordinance. If the Work Group wanted to see some language that if there was some sort of declaration that can be drawn under that ordinance at the time the declaration was made, they could see what they could do in that regards. Roumagoux was thinking this would fall under social gatherings. Nebel noted that social gatherings were set at a maximum of 10 and they had a handle on this because there were only a few STRs that were allowed to have a maximum occupancy of more than 10 at a time. Most couldn't have social gatherings in the STR, and if they did have a gathering that was over their occupancy it would be a violation that was strikable. Gebel cautioned about adding mask and social distancing in the ordinance. Michel reminded that the city and states have ordinances that superseded this and didn't have anything to do with STRs. She didn't think this was a STR discussion.

Branigan thought they should think about having the ongoing STR Committee get together with other jurisdictions to understand what the issues were in each of their areas. Roumagoux liked the idea and suggested that one of the quarterly meetings be with the county and other cities. Michel reminded the Work Group that she was a founder of a short-term rental advocacy group called Via Oregon. They had meetings where they invited county supervisors and would love to invite representatives from this group, the City Manager, or the City Council to bring them up to date on what was going on. She reported there was a petition for a ballot measure that would ultimately shut down all short-term rental use over a five year period if it passed. Michel had a lot of knowledge of what was going on at the central coast, and the preemptive legislation that was happening on the State level. She invited the Work Group to speak or have her speak on these things.

Tokos asked for other thoughts on topic areas to flush out. Rogers wanted to look at the overall administration



costs of the STR program and see how it impacted the general fund. This got to the point about if there was sufficient revenues coming in to support the program. Jacobi noted that when looking at implementing LodgingRevs they increased fees to cover the costs. Tokos confirmed this was correct. Nebel thought they would have financial data they could present to the Work Group.

6. **Future Meeting Schedule.** No discussion was heard.
7. **Public Comment.** None were heard.
8. **Adjournment.** The meeting adjourned at 4:37 p.m.

Respectfully submitted,

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Sherri Marineau  
Executive Assistant

# Memorandum

To: Short-Term Rental Ordinance Implementation Work Group

From: Derrick I. Tokos, AICP, Community Development Director 

Date: May 4, 2021

Re: Update on Licensed Short-term Rentals, Cap, and Waitlist

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Enclosed is a detailed list and summary of licensed and inactive short-term rentals as of May 3, 2021. There are 190 licensed units in good standing with the City. They are listed as “active” and include 151 vacation rentals inside the overlay zone, 39 vacation rentals outside the overlay, and 8 bed and breakfast establishments or home shares. Additionally, there are 8 inactive, non-conforming short-term rentals inside the overlay. These properties will fall off of the list if not reactivated within 12-months of when they ceased to be actively licensed rentals (NMC 14.32.060(A)(2)).

Non-conforming vacation rentals within the overlay, both active and inactive, count towards the density limit (i.e. license cap) that the City Council established as 176 licenses (NMC 14.25.035(A)(1)). That leaves 12 available licenses, half of which are in the process of licensing and the other half which will be made available the next license renewal period. There are currently 62 names on the wait list.

Attachments:

Summary of short-term rental counts, effective 5/3/21

STR Waitlist Update 5/3/21

Detailed list of active and inactive short-term rental properties

### Short-Term Rental Counts as of 5/3/2021

Active Vacation Rentals INSIDE Overlay Zone	<b>151</b>
Inactive, Nonconforming Vacation Rentals INSIDE Overlay Zone	<b>8</b>
Sold Transferable Vacation Rental Licenses INSIDE Overlay Zone Held Open 12 Months For New Owner	<b>5</b>
In Process Short-Term Rental Waitlist License Applications INSIDE Overlay Zone	<b>6</b>
Available Short-Term Rental Waitlist Licenses INSIDE Overlay Zone	<b>6</b>
<b>Total STR Licenses INSIDE Overlay Zone</b>	<b>176</b>

Active Vacation Rentals OUTSIDE Overlay Zone	<b>39</b>
Inactive, Nonconforming Vacation Rentals OUTSIDE Overlay Zone	<b>5</b>
Active B&B and Home Shares Licenses	<b>8</b>
Inactive B&B and Home Share Licenses	<b>2</b>

**STR Waitlist Update - 5/3/2021:**

There was a total of eighteen (18) Short-Term Rental licenses that became available at the end of the renewal period of August 15, 2020. Here is a summary of what has transpired since the last STR Work Group meeting:

- **Six (6)** dwellings on the Short-Term Rental waitlist that were offered licenses have had their STR license issued.
- **Six (6)** dwellings have applied for their Short-Term Rental licenses. They are all currently working to complete their inspections in order to get a license issued for their STR.
- **Six (6)** of the dwellings that were offered licenses did not apply by the November 30, 2020 deadline. These units were all removed from the waitlist and their spaces remain open.
- Currently the Short-Term Rental waitlist has **62** names on it.

**2020-2021 Active Vacation Rentals INSIDE Overlay Zone**

	Street Address	VRD, B&B, or Homeshare
1	1000 SE Bay Blvd #117 (D-4)	VRD
2	1000 SE Bay Blvd #146 (G-8)	VRD
3	1000 SE Bay Blvd #208 (C-21)	VRD
4	1000 SE Bay Blvd #225 (E-10)	VRD
5	1000 SE Bay Blvd #308 (C-21)	VRD
6	1000 SE Bay Blvd #345 (G-19)	VRD
7	1000 SE Bay Blvd #405 (B-4)	VRD
8	1000 SE Bay Blvd #532/632 (K-9)	VRD
9	1000 SE Bay Blvd Unit #140 (Bldg G)	VRD
10	1018 SW Elizabeth St	VRD
11	105 NW Coast St	VRD
12	107 SW Coast St	VRD
13	109 NW Cliff St Unit 6	VRD
14	109 NW Cliff St, Unit 7	VRD
15	109 NW Cliff St, Unit 8	VRD
16	1125 NW Spring St #A-103	VRD
17	1125 NW Spring St #C201	VRD
18	1125 NW Spring St C-2 (c102)	VRD
19	1125 NW Spring St Unit A 203 (A-6)	VRD
20	1125 NW Spring St Unit A-201	VRD
21	1125 SW Spring St #C303 (C-9)	VRD
22	1126 SW 8th St	VRD
23	1130 NW Hurbert St	VRD
24	1130 SW Martin St	VRD
25	1140 NW Hurbert St	VRD
26	1140 SW Abbey St	VRD
27	1156 SW Mark St	VRD
28	129 SW Dolphin St Unit 129	VRD
29	129 SW Dolphin St Unit 133	VRD
30	129 SW Dolphin St Unit 137	VRD
31	129 SW Dolphin St Unit 139	VRD
32	134 SW Bay Blvd	VRD
33	134 SW Elizabeth St	VRD
34	135 SW Coast St	VRD
35	137 SW 12th St	VRD
36	144 SW 26th St #1	VRD
37	144 SW Elizabeth St	VRD
38	165 SW 26th St	VRD
39	232 SW 27th St	VRD
40	238 SW 27th St	VRD
41	242 SW 27th St	VRD
42	252 SW 27th St	VRD
43	255 NW Cliff St	VRD
44	257 NW Cliff St	VRD
45	258 NW Coast St, Unit C	VRD
46	258 NW Coast St, Unit D	VRD
47	2612 SW Brant St	VRD
48	2614 SW Brant St	VRD
49	2616 SW Brant St	VRD

50	2638 SW Brant St	VRD
51	28 SW Brook St #A	VRD
52	28 SW Brook St #B	VRD
53	28 SW Brook St #C	VRD
54	28 SW Brook St #D	VRD
55	28 SW Brook St #E	VRD
56	28 SW Brook St #F	VRD
57	28 SW Brook St #G	VRD
58	29 SW Coast St Unit A	VRD
59	29 SW Coast St Unit B	VRD
60	29 SW Coast St Unit C	VRD
61	311 NW 58th St	VRD
62	325 NW Coast St, Unit E	VRD
63	33 SW Elizabeth St	VRD
64	35 SW Hurbert St	VRD
65	39 SW Elizabeth St	VRD
66	4 SW High St	VRD
67	406 NW High St	VRD
68	413 NW Hurbert St	VRD
69	419 NW Hurbert St	VRD
70	420 NW High St	VRD
71	423 SW Elizabeth St	VRD
72	424 SE 4th St	VRD
73	435 NW 58th St	VRD
74	507 NW Alpine St, Unit 103	VRD
75	507 NW Alpine St, Unit 107	VRD
76	507 NW Alpine St, Unit 108	VRD
77	507 NW Alpine St, Unit 203	VRD
78	507 NW Alpine St, Unit 205	VRD
79	507 NW Alpine St, Unit 207	VRD
80	507 NW Alpine St, Unit 208	VRD
81	507 NW Alpine St, Unit 302	VRD
82	507 NW Alpine St, Unit 303	VRD
83	507 NW Alpine St, Unit 308	VRD
84	510 SW Minnie St	VRD
85	511 SW 3rd St	VRD
86	514 NW 10th St, Apt B	VRD
87	526 NW Coast St, Unit E	VRD
88	526 NW Coast St, Unit G	VRD
89	532 SE 2nd St	VRD
90	537 NW Alpine St	VRD
91	539 SW Woods St	VRD
92	540 NW Alpine St	VRD
93	543 SW 5th St	VRD
94	545 SE 4th St	VRD
95	546 SW Smith Ct	VRD
96	553 SW 5th St	VRD
97	554 SE 2nd St	VRD
98	580 NW 6th St	VRD
99	582 NW 3rd St	VRD
100	589 W Olive St	VRD
101	607 SW Woods St	VRD

102	610 NW 9th St	VRD
103	619 NW Alpine St	VRD
104	645 SE 4th St	VRD
105	700 W Olive St	VRD
106	701 NW Coast St #107	VRD
107	701 NW Coast St #108	VRD
108	701 NW Coast St #109	VRD
109	701 NW Coast St #201	VRD
110	701 NW Coast St #207	VRD
111	701 NW Coast St #209	VRD
112	701 NW Coast St #210	VRD
113	701 NW Coast St #211	VRD
114	701 NW Coast St #301	VRD
115	701 NW Coast St #303	VRD
116	701 NW Coast St #305	VRD
117	701 NW Coast St #306	VRD
118	701 NW Coast St #310	VRD
119	707 NW High St	VRD
120	709 NW High St	VRD
121	715 NW 3rd St	VRD
122	723 NW 2nd Ct	VRD
123	728 SE 5th St	VRD
124	731 NW 2nd Ct	VRD
125	736 NW 3rd St	VRD
126	745 NW Beach Dr	VRD
127	745 NW Lee St	VRD
128	748 NW Lee St	VRD
129	748 SW Bay Blvd, Unit A	VRD
130	748 SW Bay Blvd, Unit B	VRD
131	748 SW Bay Blvd, Unit C	VRD
132	750 NW 2nd St	VRD
133	753 NW 2nd St	VRD
134	757 NW Coast St #5	VRD
135	757 NW Coast St #6	VRD
136	757 NW Coast St #7	VRD
137	757 SW 6th St	VRD
138	801 NW Coast St, #1	VRD
139	814 SW Bay St	VRD
140	821 SW 12th St	VRD
141	832 SW 13th St	VRD
142	859 SW Bay Blvd	VRD
143	890 SE Bay Blvd #205	VRD
144	902 SW Mark St	VRD
145	903 SW Coast Hwy	VRD
146	905 SW Coast Hwy	VRD
147	912 NW Coast St	VRD
148	914 SW 2nd St	VRD
149	927 SW 11th St	VRD
150	946 NW High St	VRD
151	955 NW Spring St	VRD

**2020-2021 Active Vacation Rentals OUTSIDE Overlay Zone**

	Street Address	VRD, B&B, or Homeshare
1	10 NW 42nd St	VRD
2	11 NW 42nd St (Unit A - upper)	VRD
3	11 NW 42nd St (Unit B - lower)	VRD
4	1235 NW Spring St	VRD
5	124 NW 54th St	VRD
6	1245 NW Spring St	VRD
7	125 NW 77th Ct, Unit A	VRD
8	128 NW 73rd Ct	VRD
9	1330 NW Spring St	VRD
10	1332 NW Thompson St	VRD
11	135 NW 77th Ct	VRD
12	140 NW 77th Ct	VRD
13	145 SW 27th St	VRD
14	1452 NW Spring St	VRD
15	1522 NW Spring St	VRD
16	1535 F NW Hurbert St	VRD
17	1610 NW Spring St	VRD
18	171 NW 73rd Ct	VRD
19	185 NW 70th St	VRD
20	2003 NW Oceanview Dr	VRD
21	224 NE 55th St	VRD
22	2725 NW Pacific Pl	VRD
23	2755 NW Pacific Pl	VRD
24	3360 NW Oceanview Dr Unit A	VRD
25	3380 NW Oceanview Dr Unit B	VRD
26	375 NE 70th Dr	VRD
27	411 NW 60th St	VRD
28	424 NW 59th St	VRD
29	449 SE Scenic Loop	VRD
30	457 NW 56th St	VRD
31	457 NW 57th St	VRD
32	4718 NW Cherokee Ln	VRD
33	5053 NW Agate Way	VRD
34	520 NW 23rd St	VRD
35	535 NW 16th St	VRD
36	555 NW 56th St	VRD
37	556 NW 56th St	VRD
38	5608 NW Meander St	VRD
39	626 NW 54th Ct	VRD



**2020-2021 Inactive, Nonconforming Vacation Rentals **INSIDE** Overlay Zone**

	Street Address	VRD, B&B, or Homeshare
1	1125 NW Spring St #C101	VRD
2	145 SW Hurbert St #1	VRD
3	145 SW Hurbert St #2	VRD
4	2622 SW Brant St	VRD
5	524 SE 4th St, Unit A	VRD
6	722 NW 1st St	VRD
7	732 NW 2nd Ct	VRD
8	502 SW 7th St	VRD

**2020-2021 Inactive, Nonconforming Vacation Rentals **OUTSIDE** Overlay Zone**

	Street Address	VRD, B&B, or Homeshare
1	1542 NW Spring St	VRD
2	3914 NW Cherokee Ln	VRD
3	640 NW 54th Ct	VRD
4	688 NE 20th Pl (Downstairs Area Only)	VRD
5	3749 NW Oceanview Dr	VRD

**Sold **Transferable** VRD Licenses Inside Overlay Zone Held Open 12 Months For New Owner**

	Street Address	Date New Owner Has to Get New License
1	13 NW High St	5/29/2021
2	407 NW High St	12/01/2021
3	626 NW 3rd St	5/8/2021
4	701 NW Coast St #309	5/14/2021
5	701 NW Coast St #111	4/16/2021

**2020-2021 Active Homeshares and B&B's**

	Street Address	VRD, B&B, or Homeshare
1	105 NW 77th Ct	Home share
2	1144 SW Mark St	Home share
3	2126 SE Marine Science Dr	B&B
4	4920 NW Woody Way	B&B
5	5518 N Coast Hwy	Home Share
6	630 SW Fall St, Unit N	Home Share
7	7055 NE Avery St	Home Share
8	946 SW 8th St	Home Share

**2020-2021 Inactive Homeshares and B&B's**

	Street Address	VRD, B&B, or Homeshare
1	4925 NW Woody Way	B&B
2	1346 SE Rio Vista Dr	Home Share

# Memorandum

To: Short-Term Rental Ordinance Implementation Work Group

From: Derrick I. Tokos, AICP, Community Development Director 

Date: May 4, 2021

Re: Short-Term Rental Enforcement Update

Enclosed is a memo from Community Service Officer (CSO) Jim Folmar, summarizing incidents reported and enforcement actions taken since the last Short-Term Rental Ordinance Implementation Work Group meeting in January. Because only nine (9) new incidents were reported through LodgingRevs, I did not update the materials presented at the last meeting that summarize the type and nature of incidents filed since the City started using the software in August of 2019. I'll look to update that report for the next meeting.

The conversation around enforcement at the last meeting was principally oriented around property at 1330 NW Spring Street, and attached is information showing how those issues were ultimately resolved. City initiated two enforcement actions against the owner of the property. The first related to unlicensed use of an accessory dwelling unit as a short-term rental. The owner accepted a no contest plea with the Municipal Court for a fine of \$125. The fine was not paid and it was sent to collections. I'll check to see if that has been resolved prior to the meeting on Friday. The other enforcement action related to the owner's failure to pay business license fees when renewing their short-term rental license for the principal dwelling that is located on the same property. They had provided all of the required paperwork. It turns out that the owner had submitted sufficient funds through the City's online utility billing service to cover their utility bill and the license renewal fee. The utility billing service is not designed to be used in this manner, however, this is not the first circumstance where an individual has attempted to make other city payments through the system. City staff applied excess funds from the utility account to cover the license fee and the matter was resolved. This led the Municipal Court to dismiss the three related citations (#38584, #38585, and #38586). What I have summarized is addressed in greater detail in correspondence between the owner's attorney and myself (enclosed).

The citations listed would have been problematic if the matter had not been resolved because a failure to appear default judgement was entered by the Municipal Court without evidence that the owner had been served a citation (or rejected service). The City Attorney points out in an enclosed email that per NMC 2.15.035(A) *"No default shall be entered against a person served by mail without evidence of receipt or rejection of the certified mail by that person."* Staff met with the Municipal Court Judge to discuss the issue, which led to changes in the City's practice of serving citations as outlined in a 2/22/21 email from Chief Malloy (enclosed). Individuals are now being given a Municipal Court date six (6) weeks from issuance of a citation to ensure there is sufficient time to compile evidence of service. Citations will also not be forwarded to the Municipal Court for action until the City has verified service of the citation (or refusal of the citation).

Lastly, attached is an email from Carla Perry, dated January 18, 2021, regarding the nature and tenor of the Work Group's January discussion related to this property, and her role as an individual that has lodged incident reports against the owner. Ms. Perry was not present at the January work group meeting.

Staff will be available to respond to questions from Committee members on these or other enforcement related issues the group wishes to discuss.

Attachments:

Memo from CSO Folmar, dated April 7, 2021  
Correspondence Related to Resolution of Citations #38584, 38585, & 38586  
Correspondence Related to Service of Citations  
Email from Carla Perry, dated 1/18/21



Noble  
Professional  
Dedicated

## Newport Police Department Memorandum

*One Team - One Future*

**Date:** April 7, 2021

**To:** Chief Malloy

**From:** CSO Folmar

**Subject:** STR Enforcement Activity 01/01/2021 to Present

This is a summary of STR Enforcement activities 01/01/2021 to Present.

1.) Cease & Desist Letters: 5

2.) Complaints filed with LodgingRevs: 9

**Other Complaint.** Date: 01/04/2021 @ 11:59 a.m. Hotline. Complaint was in regards to the condition the roof at 5608 NW Meander, due to high winds. No STR violation. Registered owner was in the process of fixing the roof. Closed.

**Illegal Rental Complaint.** Date: 01/22/2021 @ 3:56 p.m. Online. Complainant was concerned that the property at 72 SE 143<sup>rd</sup> St. was being operated as a STR. The property is outside of Newport city limits. Forwarded the information to LCSO. Closed.

**Trash Complaint.** Date: 01/27/2021 @ 7:39 a.m. Hotline. Complainant was concerned that renters left trash in trash receptacles and the high winds would blow it around. LodgingRevs called the emergency contact, Vacasa. Vacasa responded and secured the garbage. I checked the location and confirmed the trash was secure. Closed.

**Occupancy Complaint.** Date: 01/31/2021 @ 10:48 a.m. Hotline. Complaint regarding concern of a large party at 556 NW 56<sup>th</sup> St. I did not receive notification of this complaint until 03/09. Checked the Dispatch Log and did not locate any Patrol calls for the listed location for the time in question. Contacted Meredith Lodging, manager of the location, and have not received a reply. Under Review.

**Parking Complaint.** Date: 02/06/2021 @ 1055 a.m. Online. Complainant was concerned about the large number of vehicles (5) parked at 457 NW 56<sup>th</sup> St. I checked with Community Development and was advised that the listed location was approved for five (5) off-street parking spaces. No violation occurred. Closed.

**Trash Complaint.** Date: 03/08/2021 @ 9:09 a.m. Hotline. Complainant was concerned that there was trash on the street in front of the property located at 39 SW Elizabeth. LodgingRevs left a voicemail message for the emergency contact, The Whaler Hotel. Personnel from The Whaler cleaned up the trash at the location and advised me that they believe it came from a city trash receptacle that was located nearby. Closed.

**Illegal Rental Complaint.** Date: 03/29/2021 @ 7:37 a.m. Online. Complainant stated that they believed that the property located at 125 NW 77<sup>th</sup> Ct. Unit B was being operated as a STR. Complainant stated that the address was not on the City's list of approved STRs. I e-mailed the registered owner and discovered that the location is being used by friends and family, and no monetary compensation was required. Closed

**Noise Complaint.** Date: 04/03/2021 @ 10:52 p.m. Hotline. Complainant stated that a large party was occurring and that the police had already responded to the location earlier. The complainant advised that the address was "220 and 30<sup>th</sup> St." The complainant left no contact information. I was unable to locate an exact address. I checked the Dispatch log and discovered that calls for response were generated regarding a noise complaint for the time frame indicated. Closed.

**Occupancy Complaint.** Date: 04/04/2021 @ 6:01 p.m. Hotline. Complainant stated that there were more than six (6) people staying at 2725 NW Pacific Pl. The complainant stated that the property is allowed a maximum of six (6). I confirmed the occupancy allowance for the location with Community Development as six (6). I have sent an e-mail to the complainant requesting further details. I will be sending an e-mail to the managing entity requesting information for the investigation. Under Review.

**Derrick Tokos**

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**From:** Derrick Tokos  
**Sent:** Tuesday, January 12, 2021 10:21 AM  
**To:** 'Traci McDowall'  
**Cc:** Jim Folmar; Sherri Marineau; Steve Baugher; Kay Keady  
**Subject:** RE: Lauri Hines  
**Attachments:** Payments.pdf

Hi Traci,

As I mentioned on the phone, our records show that your client, Lauri Hines, made utility payments on 7/1/20 sufficient to cover balances due for water/sewer service to her three properties and the amount invoiced for the business license and short-term rental endorsements (see attached). Payments were made to utility accounts via an Xpress Bill Pay application specifically designed for that purpose.

It is my understanding that Ms. Hines indicated to you that the payments were intended to cover the business licensing fees in addition to water/sewer charges. I have not seen any record where she indicated as much to City staff. Payments made through the Xpress Bill Pay application were to specific utility accounts, and amounts in excess of the balance due were applied as credits, reducing Ms. Hines charges for subsequent months. If Ms. Hines desires that a portion of the 7/1/20 payment be applied to her business license, then we will need her to convey as much in writing. This will result in a corresponding increase to her utility charges since the credits had been applied to those accounts.

Ms. Hines submitted all paperwork required to renew her business license and endorsements prior to the August 15<sup>th</sup> deadline. Payment of the license fee was the only outstanding issue. If Ms. Hines provides a letter indicating that the payments she made on 7/1/20 were intended to cover her utility charges and business license fees, than the City will make the adjustments to her accounts, and will consider her business license and endorsements to be in good standing.

To avoid this issue in the future, we would appreciate your client paying the business license fees she is invoiced separate from her utility bills.

Thank you,

*Derrick I. Tokos, AICP*  
Community Development Director  
City of Newport  
169 SW Coast Highway  
Newport, OR 97365  
ph: 541.574.0626 fax: 541.574.0644  
[d.tokos@newportoregon.gov](mailto:d.tokos@newportoregon.gov)

**Derrick Tokos**

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**From:** Traci McDowall <traci@yaquinalaw.com>  
**Sent:** Tuesday, January 12, 2021 1:14 PM  
**To:** Derrick Tokos  
**Cc:** Jim Folmar; Sherri Marineau; Steve Baugher; Kay Keady  
**Subject:** Re: Lauri Hines  
**Attachments:** 210112 Letter to City of Newport - signed-3.pdf

Hi Derrick,

Thank you for your email and attention to this matter. I have attached the letter that you requested. Please let me know if there is anything else that we need to do. I have discussed with my client the need to pay the business license fees separate from her utility fees. Can you please confirm that my client's VRDs will be placed on active status and that no citations will be issued?

Again, thank you for your time and effort in getting this resolved.

Sincerely,  
Traci



Traci P. McDowall  
Attorney at Law  
traci@yaquinalaw.com  
PO Box 1987 | 380 SW 2<sup>nd</sup> St. | Newport, OR 97365  
t. 541.272.5500 | f. 541.265.7633



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January 12, 2020

City of Newport  
Attn: Derrick Tokos  
D.Tokos@NewportOregon.gov

*Sent via email only*

Re: Business License and VRD Endorsement Fee Payments

To Whom It May Concern:

I, Lauri Hines, made one payment on June 29, 2020 in the amount of \$280.00, and two payments on July 1, 2020 each in the amount of \$280.00 to the City of Newport by using the Xpress Bill Pay application on the City of Newport website.

These three payments were intended to cover my business license fees, vacation rental endorsements, and utility charges for my three vacation rentals located at the following addresses:

107 SW Coast St., Newport, OR 97365  
1330 NW Spring St., Newport, OR 97365  
238 SW 27<sup>th</sup> St., Newport, OR 97365

It was my intent that the payments would first be applied to my business license and vacation rental endorsement fees, then to my utility charges, so as to pay my business license and vacation rental endorsement fees in full.

I request that the City of Newport make these adjustments to my accounts accordingly.

If you have any questions or concerns, please contact my attorney, Traci P. McDowall at (541) 272-5500.

Thank you,

*Lauri Hines*

Lauri Hines (Jan 12, 2021 12:47 PST)

Lauri Hines  
Dream Homes of Oregon



## Derrick Tokos

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**From:** Derrick Tokos  
**Sent:** Friday, February 26, 2021 3:30 PM  
**To:** 'Traci McDowall'  
**Cc:** Dawn Smalley  
**Subject:** RE: Lauri Hines  
**Attachments:** Scanned from a Xerox Multifunction Printer.pdf

Hi Traci,

Attached is a letter that your client's should have received by now dismissing the business license related citations. The only outstanding issue at this point is the \$125 fee that they owe from the plea you worked out with the Municipal Court last fall. That balance is still due. I would appreciate it if you could see that this is taken care of ASAP.

Thank you,

*Derrick I. Tokos, AICP*  
 Community Development Director  
 City of Newport  
 169 SW Coast Highway  
 Newport, OR 97365  
 ph: 541.574.0626 fax: 541.574.0644  
[d.tokos@newportoregon.gov](mailto:d.tokos@newportoregon.gov)

**From:** Traci McDowall <traci@yaquinalaw.com>  
**Sent:** Friday, February 12, 2021 11:47 AM  
**To:** Derrick Tokos <D.Tokos@NewportOregon.gov>  
**Cc:** Jim Folmar <J.Folmar@NewportPolice.net>; Sherri Marineau <S.Marineau@NewportOregon.gov>; Steve Baugher <S.Baugher@NewportOregon.gov>; Kay Keady <K.Keady@NewportOregon.gov>; David Allen <D.Allen@NewportOregon.gov>; Dawn Smalley <D.Smalley@NewportOregon.gov>; Jason Malloy <J.Malloy@newportpolice.net>  
**Subject:** Re: Lauri Hines

Hi Derrick,

Thank you for the phone call this morning and the follow up email. I appreciate you working to get the most recent citations resolved, and I understand that there is no action my client needs to take as related to those citations.

I called this morning to take care of the citation fee and it appears that Ms. Smalley is who I need to speak to, and she is out of the office until February 16. I have left her a voice message. If there is someone else that I can reach today to pay the fee please let me know and I will do so.

As soon as the business license citations are resolved by you, and the \$125 fee is paid, I understand that there are no other outstanding issues to be addressed with the City of Newport by my client at this time. Can you please confirm that?

The City of Newport Municipal Court  
169 S.W. Coast Highway  
Newport, OR 97365  
Coast Guard City, U.S.A



Phone: 541.574.0616  
Fax: 541.574.0609  
[www.newportoregon.gov](http://www.newportoregon.gov)  
Home Port of NOAA Pacific Fleet  
Sister City: Mombetsu, Japan

**February 19, 2021**

Roy S. Neff  
944 Bayview Rd.  
Waldport, Oregon 97394

**RE: Citation No. 38584, 38585, 38586**

Attention Roy,

In the matter of Citations # 38584, 38585, and 38586, Operation of a short-term rental without an active endorsement, Judge Pridgeon has reviewed the case and has dismissed this case.

Please feel free to contact me with any questions at 541.574.0616.

Sincerely,

A handwritten signature in blue ink that reads "Dawn Smalley". The signature is written in a cursive, flowing style.

Dawn Smalley  
Municipal Court Clerk

**Derrick Tokos**

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**From:** David Allen  
**Sent:** Wednesday, February 3, 2021 10:35 PM  
**To:** Jim Folmar; Michael Murzynsky; Dawn Smalley; Jason Malloy  
**Cc:** Derrick Tokos  
**Subject:** Re: Roy Neff citations with Municipal Court

FYI - Derrick stopped by my office this afternoon and briefly went over this with me. According to e-mails w/attachments below, the citations in File #2 were served by certified mail but returned by the post office as unclaimed after the 11/04/20 court date, in which the court had noted failure to appear (FTA) with a guilty finding/determination and entered a default judgment/fine on that basis. NMC 2.15.035(A) (service by mail) provides in part that, "No default shall be entered against a person served by mail without evidence of receipt or rejection of the certified mail by that person." In light of the timing of when the certified mail was returned by the post office as unclaimed, it's unclear what evidence the court had before it on 11/04/20. Perhaps that can be clarified? Also, in light of the above, Derrick and I briefly went over some steps to consider as a way to address this type of timing issue in the future, which can be discussed further at some point ... thanks. --David

**From:** Derrick Tokos  
**Sent:** Wednesday, February 3, 2021 5:31 PM  
**To:** David Allen <D.Allen@NewportOregon.gov>  
**Subject:** FW: Roy Neff citations with Municipal Court

FYI

**From:** Jim Folmar  
**Sent:** Wednesday, January 27, 2021 11:41 AM  
**To:** Derrick Tokos <D.Tokos@NewportOregon.gov>  
**Subject:** RE: Roy Neff citations with Municipal Court

Derrick,

The original citation were submitted to the court shortly after issuance, while an original copy was sent certified mail to Hines/Neff. I was unaware that Hines/Neff had not received the certified letter until it was returned by the Post Office, well after the court date. I had contacted Traci McDowall and inquired if she would accept a re-issuance of the citations for Hines/Neff. In light of the legal discussions that were occurring, David advised that I should wait on re-issuing the citations until an agreement could be reached. I was under the impression that the citations in File#2 are null and void per the agreement.

Jim

## Derrick Tokos

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**From:** Jason Malloy  
**Sent:** Monday, February 22, 2021 1:36 PM  
**To:** Jim Folmar; Jovita Ballentine  
**Cc:** David Allen; Dawn Smalley; Derrick Tokos  
**Subject:** Certified Letters

Jim and Jovita,

We have encountered some problems with serving citations via certified mail. There are times when the court date for a violation has come, however the citation/letter has not been received by the violator.

I recently met with Judge Pridgeon, Dawn and Derrick to review our process and get Court input. I contacted the USPS and confirmed the process of sending certified mail. When we send certified mail, USPS attempts immediate service. If they fail service, they send a first notice attempt to the recipient. They attempt a second service 5-6 days later. If they fail to serve on the second attempt, USPS will send a second notice of attempt to the recipient. USPS will hold the letter for a total of 15 days. If not picked up by the recipient, USPS returns the certified letter as undelivered. Of course, the recipient can also refuse service. If service is refused, USPS immediately returns to the sender as service refused.

To improve our efficiency and ensure proper notice is given to Municipal Court, please update your citation/certified letter process.

1. All CSO-related citations shall be given a court date of six (6) weeks from issuance
2. Correspondence requiring certified service shall also be sent First Class (Indicate on letter sent via First Class and Certified Mail)
3. Do not forward citation to Muni Court until verification of certified service, or refusal of certified service
4. If the 6 week court date arrives, and service has not been made, arrangements for alternative service (and a new court date) will be required.

Let me know if you have any questions.

Jason Malloy  
Chief of Police  
City of Newport  
169 SW Coast Highway  
Newport, Oregon 97365  
541.574.3348 office  
541.574.0643 fax  
[www.newportpolice.net](http://www.newportpolice.net)





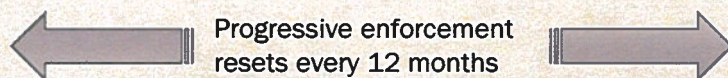


- Advertising; renting; using; or offering for use, occupancy or rent; a short-term rental where the owner does not hold a valid endorsement (NMC 4.25.045(A))
- Enforced as a civil infraction pursuant to NMC Chapter 2.15

- Cease and desist letter with evidence attached. Service by first class and certified mail. Two (2) weeks to correct or face citation
- May be issued by third-party vendor (on behalf of city)
- Licensing as corrective step is only an option if lot is within overlay, licenses are available under cap, and standards can be met
- Will issue one of these per owner. Repeat offenders to go straight to citation

- To be provided in writing with date, time, and place the alleged infraction occurred and other information per NMC 2.15.030(B)
- Includes a municipal code summons
- Service by first class and certified mail (NMC 2.15.035)
- Fine of \$500 per violation per day (NMC 1.50.010)
- Municipal Court judge decides if alleged infraction was committed and if fine is to be imposed

- Option if property is non-compliant after Municipal Court judgement is issued confirming violation exists
- City Attorney files petition seeking injunction and penalties
- Hearing(s) held before circuit court judge followed by court order
- Enforcement by Circuit Court, which could include fines and, if necessary contempt order and possible jail time



- Advertising; renting; using; or offering for use, occupancy or rent; a short-term rental that does not comply with the endorsement requirements of NMC Chapter 4.25
- Failure to comply with ongoing operational requirements (NMC 4.25.030(D))
- Failure of owner to pay room taxes per NMC 3.05
- Failure of owner or owners representative to respond to complaints or inquiries (i.e. city cannot reach in 3 attempts in 48-hours) NMC 4.25.045(E)

- For first violation in a 12-month period
- Will be issued, in writing, to the owner, listing the specific section or sections of the ordinance at issue and the evidence being relied upon to establish that a violation occurred
- The letter will further indicate that it serves as a warning letter, will provide a timeframe for correcting the violation, and will advise that failure by the owner to resolve the violation within the specified timeframe will result suspension of license

- Second violation in a 12-month period
- Will be issued, in writing, to owner under City Manager authority. Is to list specific section(s) of the ordinance at issue and the evidence being relied upon to establish a violation occurred
- The letter will further indicate that the license is suspended for 30-days and that violation is to be corrected
- Temporary revocation may be appealed to City Council (NMC 4.05.075)
- Short-term rental use during this period subject to citation

- Third violation in a 12-monthly period
- Will be issued, in writing, to the owner, listing the specific section or sections of the ordinance at issue and the evidence being relied upon to establish that a violation occurred
- Revocation will be by the City Manger and is subject to appeal to the City Council (NMC 4.05.075)
- Cannot reapply for 2 years (NMC 4.25.030(C)(9))
- Owners that operate with revoked license will be subject to a citation



## Derrick Tokos

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**From:** carla perry  
**Sent:** Monday, January 18, 2021 6:15 PM  
**To:** David Allen; Peggy Hawker; Spencer Nebel; Derrick Tokos  
**Cc:** Cynthia Jacobi; Bill Branigan; Dietmar Goebel; Jamie Michel; Sandy Roumagoux; John Rogers  
**Subject:** Defamation at STR Ordinance Oversight Work Group meeting on January 7, 2121

To: City Attorney David Allen, City Manager Spencer Nebel, members of the STR Ordinance Implementation Work Group, Derrick Tokos, and Peggy Hawker.

I am looking at the January 7, 2021 letter from Traci P. McDowall, the attorney representing Lauri Hines and Roy Neff, that was submitted as Public Comment to the STR Ordinance Oversight Committee for the meeting scheduled for that afternoon. In the letter, Ms. McDowall asserts several false claims and names me in particular as a person who has made it my life's work to oppose STRs. The words "badger," "unfounded," "misuse," "false complaints," "harassment" are used in reference to my behavior, and Ms. McDowell asserts that my actions "should be punishable."

During the ensuing discussion at the January 7 meeting, Jamie Michel, a member of the Work Group, revved up these accusations and suggested I am unstable because I "hate" vacation rentals, have a vendetta against one in particular, and because I've filed dozens of false claims. For these offenses, she proposed that I be ordered to go through mediation, and be required to pay for it myself so that the property owners can have some respite from my harassment.

I was going to let this matter drop, but when it got back to me that Bill Branigan, a Work Group member representing the Planning Commission, had passed on statements about my frivolous and bogus complaints to other Planning Commissioners, I realized I needed to put a stop to the spread of the defamation.

Here are the facts: In the past nine (9) months, I have filed two (2) incident reports. Prior incident reports (filed in 2019 and early 2020) had to do with the 1330 NW Spring Street ADU (Accessory Dwelling Unit) operating as an illegal vacation rental, which resulted in Municipal Court citations, followed by a lawsuit where the City prevailed.

The two incident reports were:

1. On June 4, 2020, I submitted an incident report stating that the STR operating at 1330 NW Spring was not on Derrick Tokos' list of short-term rentals that had filed the required Operations Plan prior to reopening after the emergency pandemic shutdown. I also reported that guests had arrived BEFORE the official reopening date. And that the owners were not obeying the 24-hour spacing requirement between guests — cars and guests were on the premises every night without any breaks. Any one of these violations should have resulted in a revocation of the owner's license to operate.

*(Note: On September 29, 2020, four months after reopening, Derrick Tokos updated his list of approved STRs to include all three Hines/Neff properties, a result of my September inquiry.)*

2. On September 27, 2020, I submitted an incident report indicating the ADU at 1330 NW Spring was AGAIN operating as an illegal short-term rental. Between August 31 and September 28, there were eight turnovers of vehicles from a variety of states, with no overlaps and no returns. I attached a sheet of dated photos of the vehicles, with their license plates legible.

*(Note: During discussion of this violation at the September 28, 2020 STR Work Group meeting, the suggestion was made that perhaps the guest had SUBLET the rental to seven other groups of guests, or perhaps, at no cost, had allowed friends and family to use their time. Both are unlikely scenarios.)*

Neither of those incident reports was frivolous, baseless, or malicious. I have no axe to grind about vacation rentals in general. However, I do have a problem when a particular property repeatedly flaunts their disregard of rules and regulations and causes problems in my neighborhood.

Doesn't it stand to reason that if the City of Newport has issued numerous citations against the owners of 1330 NW Spring, prevailed in the lawsuit that property owners Hines & Neff filed against the City, and repeatedly comes to the attention of the STR Work Group for various violations and infractions such as over-occupancy, excess cars parked on the narrow street obstructing a traffic lane, garbage overflowing from containers, dogs running loose, dog deposits that aren't cleaned up, dog attacks, etc. (complaints I did NOT initiate), that the problem does not lie with me, but with the owners?

When I read CSO Folmar's January 2021 report to the STR Work Group, I learned that the owners of 1330 NW Spring Street, Lauri Hines and Roy Neff, have been operating all three of their Newport STR properties illegally since August 15, 2020. Apparently, they chose not to renew their STR business licenses and refused acceptance of the citations for each of their rental properties. Instead, they hired attorney Traci McDowall to refute the City's claims.


The City often has often stated that most enforcement needs to be complaint-driven. But the discussion at the January 7, 2021 STR Work Group meeting shows clearly that the process is broken. The City's lax attitude to the violations perpetrated by Lauri Hines and Roy Neff is proof that enforcement is not sufficient. Yet the City rewards Lauri Hines with a place on the Destination Newport Committee.

Considering that the false and disparaging statements occurred during a public City meeting, and because the audio recording of that meeting remains available on the City's website, I request that a retraction of the accusations and an apology be made during the next STR Work Group meeting by Work Group members Jamie Michel and Bill Branigan. I am also owed an apology from Attorney Traci McDowall.

In addition, I ask the City to remind people serving on any City committee, when acting in an official capacity, or when speaking on the public record as a representative of the City, to act professionally and to check the facts before perpetrating false information.

Thank you,  
Carla Perry  
Newport, Oregon

# Memorandum

To: Short-Term Rental Ordinance Implementation Work Group  
From: Derrick I. Tokos, AICP, Community Development Director   
Date: May 4, 2021  
Re: Online Payment of Business License and Room Tax Assessments

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Finance Director Mike Murzynsky will attend to update the Work Group on steps the City is pursuing to provide license holders with the option of making online business license fee and room tax payments. This may include an agreement with the State of Oregon to collect room taxes, and possibly business license fees, on the City's behalf. It is possible the City might have to make changes to its licensing processes in order for such an arrangement to work.



# Memorandum

To: Short-Term Rental Ordinance Implementation Work Group

From: Derrick I. Tokos, AICP, Community Development Director 

Date: May 4, 2021

Re: 30-Day Rental Requirement

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With Ordinance No. 2168 (enclosed), the City amended the Newport Municipal Code to allow the City Manager to reduce the required number of rental days or set aside the provision entirely in circumstances where a vacation rental, or group of rentals, cannot be rented for reasons beyond the control of the vacation rental owner. Otherwise, a short-term rental license owner is required to show that they have rented the unit for at least 30-days within the previous 12-month fiscal year. Last year, due to the pandemic, the City Manager reduced the number of required rental days from 30 to 15 for most license holders. At Nye Sands, the requirement was eliminated altogether due to the extensive rehabilitation and modernization construction project at that location.

The City has received a request from Maria Van Houten, a short-term rental license holder, requesting that it reduce the required number of rental dates to 15 for the upcoming renewal period because the COVID-19 pandemic is ongoing. This agenda item has been scheduled to provide the Work Group an opportunity to share its thoughts with the City Manager as to whether or not the required number of rental dates should be reduced.

**Attachments:**

Ordinance No. 2168

City Manager Memo from 6/30/20 Reducing Required Rental Days for FY 19/20

April 14, 2021 Email from Mari Van Houten

**CITY OF NEWPORT**

**ORDINANCE NO. 2168**

**AN ORDINANCE AMENDING SECTION 4.25.030(C)  
OF THE NEWPORT MUNICIPAL CODE REGARDING  
SHORT-TERM RENTAL LICENSING REQUIREMENTS**

**WHEREAS**, Chapter 4.25 of the Newport Municipal Code (NMC) sets out requirements for short-term rental business license endorsements, said Chapter having been created with the adoption of Ordinance No. 2144, effective May 7, 2019; and

**WHEREAS**, in the application of NMC Chapter 4.25 it has become evident that targeted revisions are needed to ensure the efficient and effective application of the business license endorsement and endorsement renewal approval standards; and

**WHEREAS**, the proposed revisions were reviewed by a Short-Term Rental Ordinance Implementation Work Group, created by Council Resolution No. 3857, and charged with collecting and evaluating information related to the implementation of Ordinance No. 2144; and

**WHEREAS**, at its June 8, 2020 meeting, the Short-Term Rental Ordinance Implementation Work Group recommended that the revisions contained herein be presented to the City Council for approval so that they may inform the short-term rental business license endorsement renewal period that begins July 1, 2020; and

**WHEREAS**, the continued peace, health, and safety of the citizens of the Newport is furthered by emergency adoption of this ordinance so that the changes are in effect at the beginning of said renewal period.

**THE CITY OF NEWPORT ORDAINS AS FOLLOWS:**

**Section 1.** The above findings are hereby adopted as support for the amendments, below.

**Section 2.** Section 4.25.030(C)(3), Notice to Neighbors, which presently reads as follows:

“The owner or authorized agent shall post a non-illuminated sign on the premises, between 1 and 2 square feet in size, containing the owner and/or representatives contact information. Such sign shall be placed in a location clearly visible from the adjacent street. In the event the City establishes a 24/7 hotline for dispatching calls to operators of short-term rentals, then the contact information contained on the placard or sign shall be that of the firm providing the dispatch service.”

Is hereby amended to read:

"The owner or authorized agent of a vacation rental shall post a non-illuminated sign on the premises, between 1 and 2 square feet in size, containing the owner and/or representatives contact information. Such sign shall be placed in a location clearly legible, from an adjacent street. In the event the City establishes a 24/7 hotline for dispatching calls to operators of short-term rentals, then the contact information contained on the placard or sign shall be that of the firm providing the dispatch service. For vacation rentals in condominiums, the number and placement of signs shall be as specified by the City."

**Section 3.** Section 4.25.030(C)(7), Proof of Use, which presently reads as follows:

"For vacation rental renewals, room tax remittance records must show that the unit has been rented at least 30 days within the 12 month fiscal year."

Is hereby amended to read:

"For vacation rental renewals, room tax remittance records must show that the unit has been rented at least 30 days within the 12 month fiscal year. The City Manager may reduce the required number of rental days, or set aside this provision entirely, in circumstances where a vacation rental, or group of rentals, cannot be rented for reasons beyond the control of the vacation rental owner."

**Section 4.** Declaration of Emergency. It is hereby adjudged and declared that existing conditions are such that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Newport, and an emergency is hereby declared to exist and this Ordinance, and all provisions modifying the Ordinance referred to herein, shall take effect in full force and effect when signed by the Mayor.

Date adopted and read by title only: June 29, 2020.

Signed by the Mayor on June 30, 2020.

  
 \_\_\_\_\_  
 Dean H. Sawyer, Mayor

ATTEST:

  
 \_\_\_\_\_  
 Margaret M. Hawker, City Recorder

CITY OF NEWPORT  
 169 SW COAST HWY  
 NEWPORT, OREGON 97365

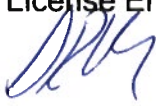
COAST GUARD CITY, USA



phone: 541.574.0629  
 fax: 541.574.0644  
<http://newportoregon.gov>

mombetsu, japan, sister city

## MEMORANDUM

To: Holders of Short-Term Rental License Endorsements  
 From: Spencer Nebel, City Manager   
 Date: June 30, 2020

**RE: Application of the 30-day Proof of Use Requirement (NMC 14.25.030(C)(7))**

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On June 29, 2020, the Newport City Council put into effect Ordinance No. 2168, granting the City Manager authority to reduce the required number of rental days, or set aside the 30-day rental requirement entirely, in circumstances where a vacation rental, or group of rentals, cannot be rented for reasons beyond the control of the vacation rental owner.

The Nye Sands Condominiums at 507 NW Alpine Street have been the subject of an extensive rehabilitation and modernization construction project that started in April of 2019 and is projected to be completed in the coming months. This has impacted common areas and individual condominium units to the point that it has not been practicable for individuals with licensed vacation rentals to rent their units to guests. For this reason, the requirement that room-tax remittance records show that a unit has been rented at least 30 days in the last 12 months shall not apply to licensed condominium units at this location. This exemption is specific to the July 2019 through June of 2020 reporting period.

As a result of the COVID-19 pandemic, and associated state and local closure and curtailment orders, persons owning vacation rental dwellings have not been able to utilize their properties for this purpose for a significant portion of the 12 month reporting period. Therefore, I am reducing the proof of use requirement from 30 days to 15 days for vacation rental dwellings, other than those at Nye Sands. This change is also specific to the July 2019 through June of 2020 reporting period.

## Derrick Tokos

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**From:** M Van Houten  
**Sent:** Wednesday, April 14, 2021 1:11 PM  
**To:** Derrick Tokos  
**Subject:** License Renewal During COVID

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**[WARNING]** This message comes from an external organization. Be careful of embedded links.


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Hi Derrick -

As discussed on via phone on Tuesday, I'd like to inquire about the 30 day requirement for vacation rentals within the City of Newport, and the possibility of it being reduced to 15 days, as it was during the last license renewal cycle because of COVID-19. We have long had a presence in Newport, dating back to 2006, and we deeply care about doing our part to keep the City safe. My mother lived here until she passed away in 2017, and I can only imagine the fear in particular of older residents from having people from outside areas flock to the Coast. Due to the pandemic that ceased to let up last year, we took a cautious approach, and blocked out our rental home for a large portion of the time, to prevent folks from descending on the local community. We felt that it would be irresponsible to have it available for use with a dangerous virus circulating. We'd assumed that the pandemic would have ended well in advance of now, but as you know, it is still ongoing, and risk levels in the County continue to bounce around. Your consideration of the unprecedented circumstances that have occurred over the last year is appreciated while reviewing the annual requirement standards for renewal. We look forward to hearing from you.

Thank you,  
Maria Van Houten

# Memorandum

To: Short-Term Rental Ordinance Implementation Work Group  
From: Derrick I. Tokos, AICP, Community Development Director   
Date: May 4, 2021  
Re: Developing STR Ordinance Implementation Work Group Recommendations

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For this agenda item, we have put together a couple of pieces of information for the Work Group's consideration. The first is an email from Sherri Marineau summarizing the administrative procedures we have put together for working through the waitlist. It also includes a couple of questions. The waitlist was not addressed in any detail in Ordinance No. 2144 and the Work Group may want to put in place procedural parameters as part of a future code update. Additionally, enclosed is a February 24, 2020 email from Cheryl Connell, with Advocates for Safe and Healthy VRD-Free Neighborhoods-Newport, with a list of changes the group would like to see the City make to its short-term rental licensing program. While this list was previously considered by the Work Group, we are presenting it again as it is particularly relevant to the Work Group's deliberations regarding improvements it may want to make to the existing code.

Staff will be looking for feedback on the direction the Work Group may want to go with these items or others it wishes to discuss as potential components of its recommendation. A request was made at the last meeting for financial information related to the cost of administering the short-term rental program. That information has not yet been prepared, and will be brought forward at the next meeting.

### Attachments

Email from Sherri Marineau, dated 4/29/21  
Email from Cheryl Connell, dated 2/24/20

## Derrick Tokos

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**From:** Sherri Marineau  
**Sent:** Thursday, April 29, 2021 1:33 PM  
**To:** Derrick Tokos  
**Subject:** New STR License Application Procedures and STR License Questions

Derrick,

Currently we have 6 STR units that were offered licenses in October 2020 that are still working to get their inspections approved and have their licenses issued. They have until August 15, 2021 to compete this.

Here are the procedures we are using when offering open STR licenses to owners:

- 1) After the August 15th STR license renewal period is over, the city determines how many open spaces are available to offer to owners on the waitlist.
- 2) Open spaces are offered once a year after the number of open licenses have been determined.
- 3) On October 1st STR licenses are offered to units on the waitlist that meet the spacing standards. We mail, email and call these owners to notify them of the open space and how to apply.
- 4) Units that are on the waitlist that don't meet the spacing standards are sent letters notifying them that they have not been offered a license because of this reason. They are also notified that they will stay in their current position on the waitlist until which time a space opens up for them and they meet the spacing standard.
- 5) Owners who are offered licenses have until November 30th to submit their applications and make payment.
- 6) Owners that notify the city that they do not wish to accept the open license are taken off the waitlist. We do not automatically move them to the end of the waitlist. They must make a request to do so.
- 7) If owners do not apply for their open license by November 30th, their option to get a STR license is deemed expired and they are taken off the waitlist. We do not automatically move them to the end of the waitlist. They must make a request to do so.
- 8) Owners that apply by November 30th have until August 15th the following year to turn in missing documents for their application, get approval of the fire and safety inspections, and get their license issued.
- 9) If owners don't complete the requirements and get their license issued by August 15th, their application is deemed expired and the open STR license is no longer available to them. The only option at that time is to be placed at the end of the waitlist for when a new license is offered. The owner must make a request to do so.
- 10) Units are removed from the waitlist when they have been sold.
- 11) A new owner of a property does not get to keep the position the previous owner held on the waitlist. The new owner must make a request to be added to the waitlist.

I anticipate getting questions about the following items and I am hoping to get some clarification:

- 1) When an owner receives their license in the months just before the new FY renewal period in July 2021, are they still required to submit a renewal packet and pay the new FY fees by August 15, 2021?
- 2) Are these owners required to show a 30 day rental use if they only receive their license shortly before the FY is over? If not, will there be a specific number of days of use they will be required to prove?

Thank you,

Sherri Marineau  
 City of Newport  
 Community Development Department  
 169 SW Coast Highway

Newport, OR 97365

ph: 541.574.0629 fax: 541.574.0644

[s.marineau@newportoregon.gov](mailto:s.marineau@newportoregon.gov)



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**Derrick Tokos**

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**From:** cheryl connell <simonis\_110@hotmail.com>  
**Sent:** Monday, February 24, 2020 2:48 PM  
**To:** Derrick Tokos  
**Cc:** Spencer Nebel; Dietmar Goebel; Cynthia Jacobi; Ryan Parker; c.hall@newportoregon.gov; Beatriz Botello; David Allen; Dean Sawyer  
**Subject:** Agenda Item -- 2/26 Short Term Rental Ordinance Implementation Work Group  
**Attachments:** STRWG Topics-final.docx

Dear Derrick,

As directed by City Manager Spencer Nebel on 2/3/2020, I am submitting the document attached to this email to you. Please place this list of priorities, as submitted by Advocates for Safe and Healthy VRD-Free Neighborhoods-Newport, on the agenda for the referenced work group meeting.

Should you have any questions or concerns, I am happy to address them--just let me know.

With best regards,

Cheryl S. Connell

2/24/2020

## Priorities for Consideration by Short-Term Rental Ordinance Implementation Work Group

As directed on 2/3/2020 by City Manager Spencer Nebel, Advocates for Safe and Healthy VRD-Free Neighborhoods-Newport submits this list of priorities that we believe are essential for the Workgroup to consider/recommend to the City Council. These priorities are based on our engagement with various City departments. We have serious concerns about how the City's enforcement of short-term rentals code is interpreted, documented and performed. We ask that these topics are placed on the Workgroup's 2/26 agenda and formally addressed by the Workgroup .

### Policy Changes to Ordinance Implementation

- City's historical culture of "voluntary compliance" in STR regulations to change to mandatory compliance.
- City to pursue full amount of past-due TRT, interest, and penalties for all illegal vacation rentals from time of first citation issue. *(As of 11/1/2019, 56 Cease and Desist letters issued. Were they issued citations and fines in addition to being shut down?)*
- City to enforce ordinance language as written so that all documented violations are issued a "strike" and a citation. Currently, no strike is issued if violator merely agrees to fix the problem.
- City to establish time-certain Phase Out period for STRs in Non-Overlay zones to provide relief in R1 & R2 neighborhoods. *(5-year Phase Out was deemed acceptable by former City Attorney Steve Rich.)*

### Enforcement

- City to ensure incidents reported by residents are dealt with within an hour by the vacation rental's contact person, with an automatic email reply sent back to the person who filed the incident report as confirmation.
- City to verify transient room taxes paid to City are reasonably correct by implementing City Audit procedure to perform systematic review of all licensed STRs along with hotels and motels.
- City to change Community Service Officers work schedule so that all days of the week are covered by at least one CSO. Currently, no CSO works during high STR utilization times (weekends and holidays) so no investigation can commence until a few days after problem affecting residents is long gone.
- City to take all steps necessary to ensure strict and timely enforcement of STR regulations for over-occupancy and parking. Current City practices hinder enforcement because no CSO is on duty on weekends and holidays and over-occupancy/illegal STR parking is not a police emergency.
- City to require all STR property owners to submit complete log of incidents reported directly to owner/manager every 6 months. Data from property owner log should be compared against City's log and collated into LodgingRevs online data system.

### Transparency/Reporting/Accountability to Public

- LodgingRevs to acknowledge receipt of each incident report to person making report with an immediate (automated) email. The date of the incident report should appear on the form.
- LodgingRevs to add "PRINT" option to LodgingRevs Incident Report with full content of report visible.
- CSO to acknowledge receipt of each incident report to person making report, and provide update on how the problem was resolved.
- City to add public access to all "incident report" data on LodgingRevs system or on the City's website. Data should include all CSO actions taken on incidents, including: Incident Number, Date, VRD Address, Complaint type, Status (open/research/response/closed), and Resolution determination. Confidential info can be redacted. *(The City promised access to this data in August 2019; Berman requested automatic status updates at 11-19-19 Work Group meeting.)*

## Sherri Marineau

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**From:** Derrick Tokos  
**Sent:** Friday, May 07, 2021 10:07 AM  
**To:** Sherri Marineau  
**Subject:** FW: STR agenda

Hi Sherri... could you please add this to the agenda under the heading "City Coordination with STR Owners Regarding Fourth of July Fireworks"? Please include a copy of Councilor Jacobi's email as well. Thank you.

Derrick

-----Original Message-----

From: Cynthia Jacobi  
Sent: Friday, May 7, 2021 9:44 AM  
To: Derrick Tokos <D.Tokos@NewportOregon.gov>; Peggy Hawker <P.Hawker@NewportOregon.gov>; Spencer Nebel <S.Nebel@NewportOregon.gov>  
Subject: STR agenda

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I would like to add an additional item if possible.

Concerning fireworks: neighborhoods are popular for fireworks from vacationers which can cause great disruption and extra trash. Particularly in this climate situation of fire threats, The safety of our community is paramount. Chief Malloy has indicated that any fireworks which jump over 6 feet are illegal. Could there be some extra precautionary notices given to the public, and also Included to vacation renters by the property holder?

I know this is a little too wordy. Please feel free to condense to a better form for our ST our discussion. Thank you very much.

Cynthia Jacobi

Sent from my iPad