



**VACATION RENTAL AD-HOC COMMITTEE AGENDA**

**Wednesday, May 16, 2018 - 1:00 PM**

**City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 97365**

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The meeting location is accessible to persons with disabilities. A request for an interpreter for the DEAF AND HARD OF HEARING, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Peggy Hawker, City Recorder at 541.574.0613.

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.

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**MEETING #8**

**1. DISCLOSURES (10 MIN)**

*This is the time for members with a financial stake in the outcome to disclose the "potential conflict of interest."*

**2. APPROVAL OF MINUTES (10 MIN)**

*Corrections and/or clarifications may be requested and a motion and vote will be needed to adopt the minutes.*

**2.1 May 2, 2018 Minutes**

[05-02-18 VRD Advisory Committee Minutes.pdf](#)

**3. REVIEW AGENDA (10 MIN)**

*This is an opportunity for the group to discuss and make changes to the meeting agenda.*

**4. COMMITTEE REQUESTS (10 MIN)**

*The group will have an opportunity to review and discuss information distributed at the request of committee members. It is also an opportunity to request information not otherwise addressed on the agenda.*

**4.1 Updated List of Licensed VRDs by Zone**

[Active VRDs by Zone-Updated 5-1-18.xlsx](#)

**5. OPTIONS FOR AMENDING VRD REGULATIONS (50 MINS)**

*PowerPoint presentation. This is an opportunity for members to discuss options for amending development standards, allowed locations, and potential density and tenancy limits.*

**5.1 PowerPoint Presentation**

[PowerPoint Presentation - color.pdf](#)

[PowerPoint Presentation - black and white.pdf](#)

**5.2 Host Compliance**

[Enforcement Overview.pdf](#)

**5.3 Bill Posner Email**

[Bill Posner - VRDsourcePDF.pdf](#)

**5.4 Measure 49 Memo**

[Measure 49.pdf](#)

**5.5 Map Alternatives**

[Map Alternative 1.pdf](#)

[Map Alternative 2.pdf](#)

[Map Alternative 3.pdf](#)

**6. POLICY OPTIONS FOR CODE AMENDMENTS BY TOPIC AREAS (10 MIN)**

*This is a running summary of the types of code amendments that staff will be putting together for committee review at future meetings.*

**6.1 Policy Options**

[Policy Options by Topic Area.pdf](#)

**7. REVIEW COMMITTEE SCHEDULE (10 MINS)**

*This is an opportunity for the group to discuss and make changes to an updated meeting schedule prepared by staff that accounts how the committee has been working through the issues to date.*

**7.1 Meeting Schedule**

**8. PUBLIC COMMENTS (10 MIN)**

**ADJORN**

*Next Meeting: June 13, 2018, 1-3pm, City Hall.*

## **Vacation Rental Ad-hoc Committee Agenda Item Report**

Meeting Date: May 16, 2018

Submitted by: Sherri Marineau

Submitting Department: Community Development

Item Type: Minutes

Agenda Section: Approval of Minutes (10 MIN)

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**Subject:**

May 2, 2018 Minutes

**Suggested Action:**

**Attachments:**

[05-02-18 VRD Advisory Committee Minutes.pdf](#)



Draft MINUTES  
City of Newport  
Vacation Rental Ad-Hoc Committee Meeting #7  
City Hall Council Chambers  
Wednesday, May 2, 2018

**AC Members Present:** Cheryl Connell, Braulio Escobar, Norman Ferber, Jamie Michel, Margaret Dailey, Bill Posner, Don Andre, Charlotte Boxer, Lauri Hines, Martha Winsor, and Pam McElroy.

**AC Members Absent:** Bonnie Saxton, and Carla Perry.

**Planning Commission Liaison Present:** Jim Hanselman.

**City Staff Present:** Community Development Director (CDD), Derrick Tokos; and Executive Assistant, Sherri Marineau.

**Public Members Present:** Bob Berman, Rod Croteau, Francis O'Halloran, and Chris Ehrmann.

1. **Call to Order.** The meeting was called to order at 1:00 p.m.
2. **Disclosures.** Tokos asked for conflicts of interest. Andre, Ferber, Hines, and Michel disclosed they had potential conflicts of interest. Dailey, Hanselman, Connell, Escobar, Posner, Boxer, McElroy, and Winsor stated they had no conflicts.
3. **Approval of Minutes from the April 18, 2018 Meeting.** Tokos asked for input on the minutes. Ferber said he wasn't at the last meeting but wanted it noted that as far as the discussion on eliminating the plus 2 for occupancy, he objected to it.

**MOTION** was made by Winsor, seconded by Connell to approve the April 18, 2018 Vacation Rental Ad-Hoc meeting minutes. The motion carried unanimously in a voice vote.

4. **Review Agenda, and Revise as Needed.** Tokos asked for any adjustments to the agenda. None were heard.
5. **Committee Requests.** Tokos covered the committee request documents that were shared with the AC. He passed out a memo from Charlotte Boxer about the C-2 zoning in Nye Beach. Boxer reviewed the memo about how she thought the overlay was meant to be a mix-use and felt it was being misinterpreted. She felt the VRD discussion needed to align with the Comprehensive Plan policies. Connell asked Boxer how she envisioned this could impact the work of the AC. Boxer said she felt the City had moved away from Nye Beach being mixed use to just commercially focused. Her interpretation was that the overlay was intended to bring a diverseness to the neighborhood and she felt VRDs were a commercial use that impacted the housing stock availability. Ferber said his interpretation of the creation of the Nye Beach Overlay was that intention was to have first story commercial shop spaces with residential apartments on top. He recalled that the intention was that VRDs were going to be considered a business and the mix of shop space and residential made it possible to accommodate parking. He thought the AC needed to retain a broader picture of how they originally got to this point for the Nye Beach Overlay.

Escobar asked Tokos to arrange for the City Attorney to speak about recommendations for changes in terms of modifying the endorsements people already had. Tokos said this would be picked up under the effect on existing rentals and when the AC would be weighing on. He said that there wasn't anything on the Comprehensive Plan that would prohibit the AC to set limits on the number of VRDs in the C-2 zone. He noted the overlay had been found to be compliant with the Comp Plan and didn't regulate VRDs specifically. He said parking in the Comp Plan was fine as adopted. Tokos said in land use planning, when you make major changes to the code you have to adopt it by ordinance and would include findings that relate back to Comprehensive Plan policies. Ordinances could be challenged if someone disagreed with the findings contained therein. If it wasn't challenged, it would be deemed consistent and acknowledged by the State. Tokos said the codes we have in the books were fine as is and where challenged. This didn't mean that there was anything in the zoning or Comp Plan that pinned us in one way or the other with respect to how the AC wanted to approach VRDs. Boxer said what she was saying was the plan said "to preserve and enhance the existing housing supply and encourage the increase of affordable housing in Newport." She said VRDs took affordable housing out of the housing supply and thought that putting limitations on VRDs enhanced what the City was attempting to do. Tokos explained the AC's recommendations could be weaved into the Comp Plan and make the necessary findings. He reminded that the Comp Plan policies were drafted intentionally to be broad, anticipating that there were a number of ways to achieve the overarching objectives.

Tokos reviewed the article Dailey submitted about Spain VRDs. Dailey said the primary problem was that the people who were promoting and using the VRDs for financial gain were not the people suffering the negative effects of the VRDs.

Winsor thought it was interesting that the density on the maps went from .2% to 7.4% in the somewhat more restricted areas and wanted to get a better feel for what the densities were in neighborhoods such as the Nye Beach Overlay. She said there was a Newport Peninsula Urban Design Plan that was done that carved out sections of Newport in certain areas and thought it would be a good way to look at certain densities in Newport. She requested a density in percentage of dwellings for the City Center, City Center North, City Center South, Waterfront District, Nye Beach District, Upland Residential District, East Olive District, and Oceanfront Lodging/Residential District areas. Windsor also requested VRD densities per percent of dwelling, in those areas. Tokos said he would see what they could find and said these were approximated numbers not an exact count.

6. **Review Updated Committee Schedule.** Tokos reviewed the updated schedule and asked for comments from the AC. He noted that on Meetings 9 and 10 the AC would start to see some code change language. Connell thought it was important to look at the enforcement perspective and asked Tokos to prepare what he thought the budget would be for a sustainable and diligent staff enforcement of the ordinance. Michel suggested adjusted licensing fees. Posner suggested volunteers managed phone calls for complaints. Connell said this was why she wanted Tokos to give his input on the budget and thought paid staff would have to handle complaints. Tokos said the AC should focus on the enforcement budget and fees would be discussed at another meeting. He said the Police Department (PD) had already proposed an additional code enforcement officer. It was not recommended by the City Manager (CM) but was included in the budget consideration. He thought it could be revisited in terms of a fee structure, if it was how the AC thought it should be resourced. Tokos said that he, the CM, and the PD, would be talking to a firm that did enforcement as a contract service to see what they could provide. This information would be made available to the AC. Michel requested a fee discussion added to the agenda. She thought there was a current breakdown in the internal processes. She said when the licenses were being approved and signed off, information was not going to the people in the City that collected the taxes. Tokos said he would try to have the Finance Director attend a meeting and discuss how collection happened on their end and what issues they were facing in their department. Connell thought an analysis on the time that would go into all aspects of VRDs should be part of the cost discussion.
7. **Options for Amending VRD regulations.** Tokos reviewed his PowerPoint presentation and the meeting objectives. He covered the density limitations and their issues and observations. Tokos said ownership based limits could be an issue when going down the path of putting in caps. He said different ownership wasn't always clear and could make it difficult. Boxer said Lincoln City had this issue with owners putting in as different members of LLCs and made it difficult to determine ownership unless you got the articles of organization to see who they were. She said if the AC were to limit ownership, they would have to find out what entity owned the property to determine ownership. Tokos didn't think there was an issue currently with multiple owners in Newport.

Tokos covered tenancy limits next and cautioned that tenancy limits would present enforcement issues. Dailey asked if tenancy limits could be changed to a certain time of the year instead of the number of days rented. Dailey suggested it be done by zones or by either days per year or a certain time of year. Tokos said they could do it that way and noted other jurisdiction codes had tenancy limits in areas that they otherwise wouldn't be able to do a VRDs. He said to keep in mind that it posed enforcement challenges.

Tokos reviewed homeshare requirements and asked for feedback. Michel thought they should be treated the same as VRDs with the rules being fair across the board. Winsor disagreed and thought if it was an owner's primary residence and was their main house it was different from having a business when using a property for a VRD. Boxer disagreed because a homeshare wouldn't be the whole house rented out. Michel said a person could own a home as a primary residence and not live in it. She said if the AC used primary residences as the factor, it wouldn't mean that the person would live there the whole year. A discussion ensued regarding residency and how it applied to homeshares. Escobar thought homeshares should be excluded from the discussion. Hanselman thought there could be a limit the number of people who could homeshare and require the primary owner must be there. Michel asked how this could be regulated. Hanselman said the jurisdictions who were successfully enforcing had rules that said it didn't make a difference who came to your house, it was the number of visits over the year. He said this allowed neighbors to collect data and share it with the City. Boxer thought a lot of the examples Tokos gave would put homeshares in a different column. Andre thought the definition of a homeshare needed to be precise. He cautioned against a feeling of "us against them" by saying that different rules applied if you lived and worked in Newport. Michel said to be careful when counting who the person was who stayed in the VRD and suggested finding a way to stay away from micro managing VRDs. Hanselman said what the AC was looking at was a set of rules that would shut down bad actors. Tokos said what they were talking about for homeshare arrangement was transit rental use for a profit that you were renting a room in the house instead of the entire house less than 30 days. Hines asked if homeshares would still have to do the same inspections and licenses. Tokos said yes because all VRDs were subject to the inspections. He said what the AC was trying to figure out was if homeshares needed to be on their own list.

McElroy noted that none of the VRDs on the complaint list included any homeshares or B&Bs. Tokos said this could be an argument that homeshares and B&Bs be put in the same list because having someone residing at the residence would mitigate issues. He said it also had to do with housing availability and how homeshare arrangements wouldn't take away from anyone residing in the community. You could make an argument that an entire dwelling unit dedicated for a VRD, wouldn't be available for anyone who resides in the community but a homeshare would, making it different. Michel argued that a room rented for a VRD was one that could be rented out long term to someone in the community. Tokos said not necessarily. Boxer thought homeshares were more like an Airbnb. She said the one by her house didn't have any problems like the other VRDs in her area. Ferber said this was an anecdotal, specific to the owner. (49;50) Michel asked what was important enough to the group to spend the money to set up two different sets of enforcement. Tokos said they were already doing this with B&Bs and VRDs. He said there was some interest in having B&Bs be different because they had an owner residing there and it was a unit with a permanent resident in the community. He said he wanted to get a read on if the AC thought it should be a possibility. Andre said the concern was about livability and if someone was renting a room it meant it was another room that wasn't available for long term rentals. Hines said homeshares were a business and she could see the argument both ways. Connell said a B&B had someone there who provided breakfast and went through an extra set of licensing for food service. It stood alone that way. She said they only had anecdotal information on homeshares and thought that if they were carved out as less restrictive there would be successful attempts to exploit it. Connell thought it would be an enforcement issue and would be exploited. Boxer said there were other jurisdictions that managed this through Airbnb. Tokos said he couldn't confirm that all of the B&Bs had residents that were there at all times. He didn't think it was reasonable to think that an owner would be present at all times at a homeshare.

Tokos said he could draft an option to allow homeshares to be put in the same list as B&Bs. Ferber asked if this would be for any zone. Tokos said yes, unless they felt it should be limited. Ferber thought it should be fair and felt it came back to enforcement. He thought the AC needed to know what the additional expenses would be to establish a cross the board criteria for affordable enforcement to know the ramifications. Tokos said what he was hearing was a difference in opinion that some would want to see an option and others didn't think it was appropriate to go down that path. He would put the option together and the AC could review it and make their recommendation. Escobar asked if B&Bs would be grouped with homeshares. Tokos said that was the thought. Connell thought the AC was creating a huge loop hole that could create enforcement issues and didn't think there was a great need for month to month rentals. Tokos said that wasn't what he was saying. He said it was fair to draw a distinction between a unit occupied by someone as a primary residence and renting out a room in that unit versus a unit that didn't have anyone there other than purely transient purposes. He said he was hearing that there were enough AC members who wanted to see an option to put code language in front of them to have further discussion about it. Hines asked if there was any way to say the unit was a B&B and only served prepacked food. Connell said this would take additional licensing. Michel thought it was grossly unfair of the AC, when the biggest complaint was a housing shortage, to say that a homeshare was okay and didn't take away from long term housing. Escobar argued against this because the owner would live there. Michel asked how they would know. Boxer said neighbors would know they weren't there and could report it. Andre said there were quite a few homes where this couldn't be determined. Escobar asked how many homeshares there were in Newport. Tokos didn't have a specific number. He said he would set up some optional language on homeshares for the AC to consider.

Tokos reviewed the mapping alternatives next. He reviewed each of the three alternative maps and the observations for each. Connell asked if phasing out was possible. Tokos said it could be. Connell thought a good set of enforcement rules needed to be part of it. Tokos said enforcement was a part of the equation for any of the changes and they had to be careful to be fair with the phase out. Connell asked if what he was saying was that Alternate 3 would make it less likely the City would be able to say VRDs would have to stop and would be grandfathered in. Tokos said it would be more of an amortization and more of a phase out like Hood River did over 7 years. Hanselman asked if there was a way to do it over a shorter period of time. Tokos said if there were a large number of VRDs in a prohibitive area, they needed to be careful on how they phased out. Where there were fewer VRDs in certain areas, it wouldn't be as hard to phase out because it impacted fewer properties. Posner like Alternatives 1 and 2. Tokos said all alternatives showed different perspectives and there could be a combination of each. He noted that for Alternative 3 he would recommend some sort of proximity standards.

Tokos reviewed the South Beach options map next and explained the restrictions in the area. Michel suggested allowing VRDs west of Highway 101 and restricting them east of Highway 101. Hanselman thought it seemed some neighborhoods were getting protection for no reason at all and others weren't. He noted that most of the maps said the AC was okay with VRDs in areas where the most concerns for VRDs had been raised to the City Council. Escobar said this was why he wanted to hear from the City Attorney to find out if they could change the rules for existing VRDs. Hanselman said that 70 percent of VRD units weren't managed by owners that lived in the city. Posner noted that the maps were only a part of the picture. Hanselman said the maps were leading to where they want to have VRDs. Escobar asked if there was a way to address this was with density limitations. Hanselman thought it could be part of the mix and thought there should be areas that needed to be excluded. Tokos said he didn't hear from the AC that the limited areas should be super permissive. He thought it would be smart to move a few different alternatives through and gave an example of Alternative 1 being structured as limited with a strong cap in the area. Tokos said it would be wise to have more than one option so something could be adopted, instead

of having the PC kicked it back to the AC. Ferber asked what the value would be for licensing that couldn't be passed on to the new owner. He felt it had an artificial value. Tokos said there would often be caps by unit, not owner. Ferber said weren't we talking about not grandfathering in VRDs. Tokos said you would often see the caps authorized for a specific unit. The license could be released if the owner decided not to do a VRD anymore and terminate it. Tokos said if the VRD ceased to be or was revoked then vesting went away. Hines asked if there would be a waiting list. Ferber suggested having a lottery. Tokos said there could be some variation of this.

McElroy asked for more information about phasing out VRDs and how it would work for proximities. Tokos said that Alternative 3 would mean a fixed amortization in those areas. They would be able to continue their VRDs within a period of time with the expectation that they would be phased out after a period of time. Escobar asked what the number of years that Lincoln City used for their phase out. Boxer said five years and this gave people time to adjust to it. McElroy asked if the timeframe was from when they started their VRD. Boxer said it was from the time of the ordinance approval. She thought that R-1 and R-2 zones needed to have strict regulations on density and proximity to each other if they would be allowed in those zones. Tokos said a proximity limit would be easier for R-1 and R-2. Hanselman said he was concerned about opening commercialization in R-1 and R-2 zones and the AC should consider how many other types of commercial uses should be allowed in R-1 zones. He wanted to see the integrity of zones keep to what they were originally designed as. Tokos said even prior to the new regulations VRDs had been permitted in R-1 and R-2 zones. He said they had tenancy limits and wanted the AC to be clear about this. Tokos said what he could do for Alternative 1 was to bring back a hard cap along with a proximity limit for R-1 and R-2 that fell within the limit area. Tokos stated that caps would be different for different scenarios. Ferber thought they should be separated between residential zones. Hines thought that Alternatives 1 and 2 had more of a dispersal and thought they should be kept spread out so they wouldn't be forcing a huge concentration of phasing out anywhere. Connell thought adding VRDs in higher density areas was less stressful than putting them in R-1 and R-2 zones because they were planned for density issues, and tended to be more where tourists wanted to go. Winsor said those areas would be where there was more affordable housing and would put pressure on R-3 and R-4 zones. Connell said that's why there would be a density limit. Tokos said there were R-1, R-2 and R-3 zones in all three maps. He said there could be proximity limits for R-1 and R-2 zones because there could be condos there. Ferber thought the maps were misleading because they didn't actually show where commercial or parks were established. He thought it would be fair to have another map to show what kind of balance there was with these included. He said a lot of the cross streets had high demand for parking and thought that any area where there were VRDs in R-1 and R-2 zones needed to be phased out.

Tokos said he could bring back all three alternatives with different hard caps and proximity limits for R-1 and R-2. He asked if the AC agreed that the Alternative 2 areas in yellow should be put in the prohibitive area. These were areas that didn't have VRDs currently and had a significant amount of housing. Boxer said if they eliminated in R-1 & R-2 and had them amortized out, it seemed it was leaning more toward what the zoning was then limiting in certain areas. Tokos said he was focusing on the maps he prepared. He said what he was hearing that where there were processes alternatives in R-1 & R-2, and there was a desire by the AC to see proximity space limits. Boxer agreed and said there could also be no VRDs in those zones after amortization. Tokos said he could put together proximity restrictions and in respect to Alternative 2, he could carve out areas that didn't have VRDs in them currently. Escobar thought Alternative 2 was designed to prohibit where there was traditionally workforce housing and said by injecting workforce housing, it made him think differently. Escobar asked if the Candle Tree area was included. Tokos said that area was prohibited in all three alternatives.

Tokos asked for the AC's thoughts on ownership limits. Escobar said it would be best to focus on the property itself instead of ownership. Boxer wanted to see it included. Dailey thought zone restrictions for ownership was better. Tokos said another way to look at it was the caps would provide a small amount of growth and then look at the exiting ownership setup. Boxer thought the reason Lincoln City did it was for fairness so that people didn't take all the licenses and others couldn't have them. Tokos asked if a cap was set up at 200 and the licenses tracked with the property, why would the AC care if there was 200 different owners or 50. Michel thought that if there was a hard cap, then individuals could only own so many VRDs. If there were really good rules and a good complaint system to eliminate the bad actors, we would make sure everyone was protected. Eliminating the bad actors would take a lot of the issues away. Michel also thought that if there was a hard cap they would have to limit how many VRDs a person could own. Tokos asked what was the compelling reason to do this. Hines said if the license ran with the units, why do that. She said the people who had invested in multiple units were running their businesses correctly. Winsor said the thought that people were only interested in nuisance actors was incorrect. People were concerned about affordable housing and their neighborhoods being upended. Connell said the issue was about hard caps, and if the AC should ask if they cared who got those licenses if they knew there was enforcement for the bad actors and no more or limited growth. She said she didn't care, she was more concerned about the hard cap and enforcement. Tokos said he would deemphasize ownership tracking piece and emphasize the hard cap. The AC agreed.

8. **Public Comment/Questions.** Rod Croteau addressed the AC. He said he observed that most people followed the rules in most municipalities but there were always bad actors. Most jurisdictions established owner-occupied and most looked at VRDs as businesses, opposed to dual purpose homes. Croteau said there were a number of municipalities that had occupancy

limits by defining that occupancy is all who were occupying the space. He said that enforcement seemed to be complaint driven and it could be done if they were willing to put the effort in and have a complaint driven system to monitor it.

Francis O'Halloran addressed the AC and said the one thing being neglected in the alternatives was that there were established neighborhoods, such as the Nye Beach area, that needed protection. She felt the residents in Lincoln County needed to be prioritized over tourists. O'Halloran said a lot of what the AC was talking about was brought up the previous year when the City Council discussed a moratorium. She reviewed Cathey Briggs' submitted letter that stated she thought a moratorium was needed. O'Halloran thought that what Ferber was reflecting was how things affected his own VRDs. She thought it was offensive and was a conflict of interest. She wanted him to think about what was best for everybody instead of how things affected him.

Bob Berman addressed the AC and handed out a memo to the AC. He sensed that a hard cap would be appropriate. He wanted the AC to consider that caps in restricted areas needed to be shrunk or disappear. Escobar asked when the AC was done with their review, would the PC take the AC's recommendations and reinvent the wheel and go over the issues again. Berman doubted it and said the PC might choose to select alternatives to forward to the CC.

Tokos noted that there wasn't enough time in the meeting to cover the policies and topic areas. He asked the AC to email him any notes they had on the list.

9. **Adjournment.** The meeting adjourned at 3:05 p.m.

Respectfully submitted,

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Sherri Marineau  
Executive Assistant

## **Vacation Rental Ad-hoc Committee Agenda Item Report**

Meeting Date: May 16, 2018

Submitted by: Sherri Marineau

Submitting Department: Community Development

Item Type: Discussion

Agenda Section: Committee Requests (10 MIN)

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**Subject:**

Updated List of Licensed VRDs by Zone

**Suggested Action:**

**Attachments:**

[Active VRDs by Zone-Updated 5-1-18.xlsx](#)

VACATION RENTALS AND BED AND BREAKFASTS  
WITH ACTIVE ENDORSEMENTS AND BUSINESS LICENSES

	Date Rcd.	Street Address	Property Owner	Address	City/State	Phone #	e-mail	Contact Name	Address	City/State	Phone #	e-mail	Zone	Const Type	Occ	Bus Lic #	Date Notice mailed	Registered Agent / Trustee
1	4/19/2017	345 SW 11th St "The Parker House LLC"	Penelope McCarthy	605 SW Hurbert St	Newport, OR 97365	541-961-2123	penelmcc@gmail.com	Oregon Beach Vacations	4786 SE Hwy 101	Lincoln City, OR 97367	503-528-7480 ext. 200	joy@oregonbeachvacations.com	C-1	SFD	6	5834	4/21/2017	Penelope McCarthy, 735 SW St Clair Ave Apt 901, Portland, OR 97205
2	4/19/2017	109 NW Cliff St, Unit 7 "Crowe Family Trust "	Crowe Family Trust, Kelly French Trustee	PO Box 411	Toledo, OR 97391	541-961-2462	foamysea@gmail.com	Vacasa/Chad Newlin	121 N 9th St Ste 302	Boise, ID 83702	503-345-9399/ 541-921- 3438	charles.newlin@vacasa.com	C-2	Condo/A pt	4	5835	5/17/2017	Kelly French, Trustee
3	5/17/2017	109 NW Cliff St, Unit 8 "Crowe Family Trust "	Crowe Family Trust, Kelly French Trustee	PO Box 411	Toledo, OR 97391	541-961-2462	foamysea@gmail.com	Vacasa/Chad Newlin	121 N 9th St Ste 302	Boise, ID 83702	503-345-9399/ 541-921- 3438	charles.newlin@vacasa.com	C-2	Condo/A pt	4	5835	7/19/2017	Kelly French, Trustee
4	5/19/2014	129 SW Dolphin St Unit 129 "Nye Beach Townhomes"	John & Teri Rogers	PO Box 2377	Newport, OR 97365	805-434-7500	jtrogers@directv.net	Heidi Rogers	7037 SW Abalone St	South Beach, OR 97366	541-961-1198		C-2	Condo/A pt	6	5180	6/11/2014	
5	5/19/2014	129 SW Dolphin St Unit 133 "Nye Beach Townhomes"	John & Teri Rogers	PO Box 2377	Newport, OR 97365	805-434-7500	jtrogers@directv.net	Heidi Rogers	7037 SW Abalone St	South Beach, OR 97366	541-961-1198		C-2	Condo/A pt	6	5180	6/11/2014	
6	5/19/2014	129 SW Dolphin St Unit 137 "Nye Beach Townhomes"	John & Teri Rogers	PO Box 2377	Newport, OR 97365	805-434-7500	jtrogers@directv.net	Heidi Rogers	7037 SW Abalone St	South Beach, OR 97366	541-961-1198		C-2	Condo/A pt	6	5180	6/11/2014	
7	5/19/2014	129 SW Dolphin St Unit 139 "Nye Beach Townhomes"	John & Teri Rogers	PO Box 2377	Newport, OR 97365	805-434-7500	jtrogers@directv.net	Heidi Rogers	7037 SW Abalone St	South Beach, OR 97366	541-961-1198		C-2	Condo/A pt	6	5180	6/11/2014	
8	10/2/2012	134 SW Elizabeth St	Whaler Motel Inc	155 SW Elizabeth St	Newport, OR 97365	541-265-9261	info@whalernewport.com	John Clark	same	same	same	john@whalernewport.com	C-2	SFD	10	1135	11/17/2012	
9	10/2/2012	144 SW Elizabeth St	Whaler Motel Inc	155 SW Elizabeth St	Newport, OR 97365	541-265-9261	info@whalernewport.com	John Clark	same	same	same	john@whalernewport.com	C-2	SFD	8	1135	11/17/2012	
10	9/20/2012	208 NW Coast St Unit A "Linda Neigebauer "	Linda Neigebauer	3914 NW Cherokee Ln	Newport, OR 97365	541-270-2234	lindaraen@charter.net	same	same	same	same	same	C-2	Condo/A pt	4	2636	1/9/2014	
11	9/20/2012	208 NW Coast St Unit B "Linda Neigebauer"	Linda Neigebauer	3914 NW Cherokee Ln	Newport, OR 97365	541-270-2234	lindaraen@charter.net	same	same	same	same	same	C-2	Condo/A pt	4	2636	1/9/2014	
12	9/20/2012	208 NW Coast St Unit C "Linda Neigebauer"	Linda Neigebauer	3914 NW Cherokee Ln	Newport, OR 97365	514-270-2234	lindaraen@charter.net	same	same	same	same	same	C-2	Condo/A pt	4	2636	1/9/2014	
13	10/24/2012	255 NW Cliff St "Beach Front Classic "	James & Lana Wetherill	25804 NE Olson Rd	Battle Ground, WA 98604	360-687-1919	wetherill1@juno.com	same	same	same	same	same	C-2	Condo/A pt	8	4927		
14	10/24/2012	257 NW Cliff St "Beach Front Classic "	James & Lana Wetherill	25804 NE Olson Rd	Battle Ground, WA 98604	360-687-1919	wetherill1@juno.com	same	same	same	same	same	C-2	Condo/A pt	4	4927		
15	1/3/2017	258 NW Coast St "The Overlook"	Michelle Heth	1181 Ryan Ct	West Linn, OR 97068	503-348-8655	michelleandpayton@yahoo.com	same	same	same	same	same	C-2	Condo/A pt	8	5790	3/20/2017	
16	10/12/2012	325 NW Coast St "Nye Beach Arch Place "	Steve & Marla Bennett	2255 Dawnwood Dr	Philomath, OR 97370- 9091	541-990-3486	info@nyebeacharchplace.com	same	same	same	same	same	C-2	Condo/A pt	6	4308	12/27/2012	
17	10/2/2012	33 SW Elizabeth St	Whaler Motel Inc	155 SW Elizabeth St	Newport, OR 97365	541-265-9261	info@whalernewport.com	John Clark	same	same	same	john@whalernewport.com	C-2	SFD	8	1135	11/17/2012	
18	9/17/2012	39 SW Elizabeth St	Whaler Motel Inc	155 SW Elizabeth St	Newport, OR 97365	541-265-9261	john@whalernewport.com	John Clark	same	same	same	same	C-2	SFD	8	1135	n/a	
19	9/24/2012	423 SW Elizabeth St "Beach Retreat LLC "	Gregory & Prescott (Scottie) Jones	20368 Honey Grove Rd	Alesea, OR 97324	541-487-4966	sjones@beachretreatoregon.com	Lisa Glenn/Turnkey Vacation Rentals	48 Camp 12 Riverside Ln	Siletz, OR 97380	888-512-0498	reservations@turnkeyvr.com	C-2	SFD	10	3747	11/6/2012 & 11/30/17	Prescott B Jones, 20368 Honey Grove Rd, Alesea, OR 97324
20	3/11/2016	507 NW Alpine #203 "Roy & Sandra Rider "	Roy & Sandra Rider	6230 NW Vineyard Dr	Corvallis, OR 97330	541-745-5677	rrider@peak.org	Oregon Shores Vacation Rentals	PO Box 3507	Sunriver, OR 97707	800-800-7108		C-2	Condo/A pt	4	5620	5/19/2016	
21	9/6/2012	507 NW Alpine #305 "Patrick & Elizabeth Bresnan "	Patrick & Elizabeth Bresnan	12338 First Fork Rd	Los Gatos, CA 95033	408-867-1477 408-887-0223 (cell)	bresnane@yahoo.com	Oregon Shores Vacation Rentals	1115 SW 51st ST	Lincoln City, OR 97367	800-800-7108 (Waldport: 541-563- 7108) 541-418-5460	daniel@orshores.com	C-2	Condo/A pt	4	5063		

VACATION RENTALS AND BED AND BREAKFASTS  
WITH ACTIVE ENDORSEMENTS AND BUSINESS LICENSES

	Date Rcd.	Street Address	Property Owner	Address	City/State	Phone #	e-mail	Contact Name	Address	City/State	Phone #	e-mail	Zone	Const Type	Occ	Bus Lic #	Date Notice mailed	Registered Agent / Trustee
22	3/6/2013	507 NW Alpine St #103 "Rabideau Vacation Rental"	Larry Rabideau	144 Ft. Fosdick Circle	Gig Harbor, WA 98335	907-632-5742	rabideau@gci.net	Dolphin Realty	547 SW 7th St	Newport, OR 97365	541-265-6638	loren@dolphinrealtynwport.com	C-2	Condo/Apt	4	5151	3/13/2013	
23	7/9/2012	507 NW Alpine St Unit 207 "Surf & Sand Condo"	Kent B & Lori S Roberts	375 Corbett Ck Rd	Colville, WA 99114	509-680-2219	kbrlsr@gotsky.com	same	same	same	same	joy@oregonbeachvacations.com	C-2	Condo/Apt	4	5014	10/22/2013	
24	12/17/2014	507 NW Alpine St Unit 308 "Nye Sands 308"	Keith & LuAnn Turner	847 NW Ermine Pl	Corvallis, OR 97330	541-753-6459	turnerk1@comcast.net	same	same	same	same	same	C-2	Condo/Apt	4	5013	2/27/2014	
25	8/22/2013	537 NW Alpine St "On The Beach"	Stephanie Saylor & Merritt Bruce	12 Thomas Owens Way #100	Monterey, CA 93940	831-392-5511	stephanie@saylorlegal.com	Oregon Beach Vacations	4786 SE Hwy 101	Lincoln City, OR 97367	503-528-7480 ext. 200	joy@oregonbeachvacations.com	C-2	SFD	6	5228	12/13/2013	
26	6/18/2015	540 NW Alpine St "Stempson Rental"	Greg Stempson & Lorene Johnson	2612 NW Nordeen Way	Bend, OR 97701	425-457-2837	gregstempson@hotmail.com	Vacasa Rentals			503-345-9399		C-2	SFD	8	5495		
27	7/23/2015	619 NW Alpine St "Hauser Investment Properties"	Tony Hauser	1705 N 22nd St	Boise, ID 83702	208-850-6425	tonyhauser50@gmail.com	Vacasa Rentals - Ted Dougherty	6281 NW Pacific Coast Hwy	Seal Rock, OR 97376	541-270-1287	vacasa.ted@gmail.com	C-2	SFD	8	5513		
28	10/30/2015	626 NW 3rd St "Nye Beach Getaway"	Krista Harrison	1197 Throne Dr	Eugene, OR 97402	541-554-2899	kristaharrison@comcast.net	Vacasa Rentals (Andrew Young)	3934 NE MLK Blvd #200	Portland, OR 97212	503-345-0300 541-351-1537	andrewy@vacasa.com	C-2	Condo/Apt	6	5570		
29	9/16/2013	701 NW Coast St #101 "Haven by the Sea"	Gwenith M Filbin	PO Box 309	Dufur OR 97021	541-467-2204	gfibn@ortelco.net	Oregon Beach Vacations	4786 SE Hwy 101	Lincoln City, OR 97367	503-528-7480 ext. 200	joy@oregonbeachvacations.com	C-2	Condo/Apt	4	5244	12/13/2013	
30	9/26/2013	701 NW Coast St #107 "Charles & Jane Kemp"	Jane Kemp	1999 Farmer Dr	El Centrol, CA 92243	760-353-0914	janekemp@gmail.com	Oregon Beach Vacations	4786 SE Hwy 101	Lincoln City, OR 97367	503-528-7480 ext. 200	joy@oregonbeachvacations.com	C-2	Condo/Apt	4	5248	12/13/2013	LLC not on Business Registry
31	7/14/2016	701 NW Coast St #108 "Michael D McCoy Trust"	Michael D McCoy Rev. Living Trust	4552 Raintree Ct NE	Salem, OR 97305	541-928-0932		Lenora M McCoy/Patricia Kelley	same	same	503-393-8623	thekelleyfamily@comcast.net	C-2	Condo/Apt	4	5707		Inn @ Nye Beach - Prop. Mgr. Patricia Kelly, Trustee
32	6/19/2012	701 NW Coast St #201 "Li'l Macs LLC"	Li'l Macs LLC	1040 SE 78th Ave	Portland, OR 97215	503-318-5741	lilmacslc@gmail.com	Alema Mcrea	same	same	same	same	C-2	Condo/Apt	4	4526	10/24/2013	Alema Joy Mcrea, 1040 SE 78th Ave, Portland, OR 97215
33	7/2/2012	701 NW Coast St #204 "Christian Restoration Council"	Tim Dahle / Doris Inman	PO Box 45	Dallesport, WA 98617	509-637-2594	dinman888@gmail.com	OR Beach Vacations - Debra	same	same	971-230-0185 1-800-723-2383 X200	joy@oregonbeachvacations.com	C-2	Condo/Apt	4	5233	11/27/2012	
34	7/19/2012	701 NW Coast St #212 "Jim & Vonda Stubblefield"	James & Vonda Stubblefield	PO Box 338	Monument, OR 97864	541-934-2688	jim.stubblefield@centurytel.net	same	same	same	same	joy@oregonbeachvacations.com	C-2	Condo/Apt	6	5245	1/31/2013	
35	9/20/2012	701 NW Coast St #302 "PICO 302/2000"	Jeff & LeeAnn Leitch - PICO 2000	9025 June Rd N	Lake Elmo, MN 55042	651-773-9410	landjleitch@Q.com	Oregon Beach Vacations	4786 Hwy 101	Lincoln City, OR 97367	1-800-723-2383	joy@oregonbeachvacations.com	C-2	Condo/Apt	4	5281		
36	9/3/2013	701 NW Coast St #305 "Angela's Beach Getaway"	Jan Bedle	2217 Grand Ave	Everett, WA 98201	425-330-4680	jbedle@msn.com	same	same	same	same	same	C-2	Condo/Apt	4	5605	4/7/2014	
37	10/25/2012	701 NW Coast St Unit 111 "Brendan Carmody"	Brendan & Bonnie Carmody	729 NW Coast St	Newport, OR 97365	541-265-3159	carmody261@msn.com	same	same	same	same	same	C-2	Condo/Apt	4	5224	7/13/2013	
38	10/25/2012	701 NW Coast St Unit 209 "Brendan Carmody"	Brendan & Bonnie Carmody	729 NW Coast St	Newport, OR 97365	541-265-3159	carmody261@msn.com	same	same	same	same	same	C-2	Condo/Apt	4	5224	7/31/2013	
39	10/25/2012	701 NW Coast St Unit 210 "Brendan Carmody"	Brendan & Bonnie Carmody	729 NW Coast St	Newport, OR 97365	541-265-3159	carmody261@msn.com	same	same	same	same	same	C-2	Condo/Apt	4	5224	7/31/2013	
40	10/25/2012	701 NW Coast St Unit 211 "Brendan Carmody"	Brendan & Bonnie Carmody	729 NW Coast St	Newport, OR 97365	541-265-3159	carmody261@msn.com	same	same	same	same	same	C-2	Condo/Apt	4	5224	7/31/2013	



VACATION RENTALS AND BED AND BREAKFASTS  
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	Date Rcd.	Street Address	Property Owner	Address	City/State	Phone #	e-mail	Contact Name	Address	City/State	Phone #	e-mail	Zone	Const Type	Occ	Bus Lic #	Date Notice mailed	Registered Agent / Trustee
41	10/29/2012	701 NW Coast St Unit 306 "Pacific Crest Vacation Rental "	David & Margaret Hall	8310 Counterpane Ln	Juneau, AK 99801	206-371-2196	halldmd@gci.net	Greenstone Inn	729 NW Coast St	Newport, OR 97365	541-265-2477	greenstoneinn@gmail.com	C-2	Condo/Apt	4	5103	11/6/2012	
42	10/25/2012	701 NW Coast St Unit 309 "Brendan Carmody"	Brendan & Bonnie Carmody	729 NW Coast St	Newport, OR 97365	541-265-3159	carmody261@msn.com	same	same	same	same	same	C-2	Condo/Apt	4	5224	7/31/2013	
43	10/25/2012	701 NW Coast St Unit 310 "Brendan Carmody"	Brendan & Bonnie Carmody	729 NW Coast St	Newport, OR 97365	541-265-3159	carmody261@msn.com	same	same	same	same	same	C-2	Condo/Apt	4	5224	12/26/2012	
44	4/4/2018	707 NW High St "Redhawk Rentals LLC"	Redhawk Rentals LLC / Chad Gordon	1075 Yaser Loop	Toledo, OR 97391	541-272-4017	gordondds@hotmail.com	Vacasa/Becca George	121 N 9th St Ste 302	Boise, ID 83702	503-345-9399/ 971-205-8700	becca.george@vacasa.com	R-3	SFD	6	6063	5/1/2018	Douglas R Holbrook, 131 NW 20th St Ste C, Newport, OR 97365
45	2/24/2017	709 NW High St "High Tides Beach House "	Alan & Angela Dietrich	2517 Lemhi Pass Dr	Bend, OR 97703	541-350-6416	alan@bendstrillery.com	Vacasa/Chad Newlin	121 N 9th St Ste 302	Boise, ID 83702	503-345-9399/ 541-921-3438	charles.newlin@vacasa.com	C-2	SFD	6	5812	3/20/2017	
46	4/5/2016	731 NW 2nd Ct "The Cozy Cottage "	April M. Lee	PO Box 1214	Hood River, OR 97031	541-490-5300	alee@pli.us.com	same	same	same	same	same	C-2	SFD	6	5641		
47	8/4/2014	732 NW 2nd Ct "The Little Mermaid"	Eric & Cherie Gullerud	PO Box 2475	Corvallis, OR 97339	541-231-7294 541-231-7293	ceginv2002@gmail.com	same	same	same	same	same	C-2	SFD	8	5372	9/3/2014	
48	2/19/2015	745 NW Beach Dr "P Roth "	Paula Roth	PO Box 92	Lockwood, CA93932	831-594-7684	paularoth5@aol.com	Joe Daugherty/Vacasa	121 N 9th St Ste 302	Boise, ID 83702	503-345-9399; 541-351-5935	joe.daugherty@vacasa.com	C-2	SFD	6	5431	7/7/15 & 7/19/16	
49	10/29/2012	753 NW 2nd St "Trantow Parke Cavation Rental "	Wayne Trantow/Antoinette Parke	9635 SW Washington Pl	Portland, OR 97225	503-297-6488	tonianskip@yahoo.com	same	same	same	same	same	C-2	SFD	8	5148	11/7/2012	
50	2/22/2016	757 NW Coast St #5 "Benison Properties"	Dr. Frank J Benison, PHD Benison Properties	19 Lindenwood Dr	Littleton, CO 80120	303-795-1393	rroummi@gmail.com	Inn @ Nye Beach	729 NW Coast St	Newport, OR 97365	541-265-2477	reservations@innatnyebeach.com	C-2	Condo/Apt	6	5816	8/14/2017	
51	11/13/2017	757 NW Coast St #6 "Bungalow at Nye Beach"	Teresa I Clifton	1232 Shot Pouch Rd	Blodgett, OR 97326	541-453-4032/541-231-1156	terehere@aol.com	same	same	same	same	same	C-2	Condo/Apt	4	5975	3/26/2018	
52	11/2/2015	757 NW Coast St #7 "Bungalow at Nye Beach"	Sue Ellen O'Connor-Ferris	491 West Cove DR	Wasilla, AK 99654	907-229-6036	tailwindav@gmail.com	Stephen Davis	729 NW Coast St	Newport, OR 97365	541-265-2477 ext 752	sdavis@innatnyebeach.com	C-2	Condo/Apt	4	5580		
53	10/2/2012	914 SW 2nd St	Whaler Motel Inc	155 SW Elizabeth St	Newport, OR 97365	541-265-9261	info@whalernewport.com	John Clark	same	same	same	john@whalernewport.com	C-2	SFD	8	1135	11/17/2012	
54	4/22/2013	10 NW 42nd St "Huff House Vacation Rental"	Thomas Huff	3055 NW Vaughn St	Portland, OR 97210	503-803-0802	trhuff@hotmail.com	Ocean Odyssey Vacation Rentals	PO Box 491	Yachats, OR 97498	541-547-3637 1-800-800-1915	yachats@ocean-odyssey.com	R-1	SFD	10	5170	5/9/2013	
55	2/7/2013	11 NW 42nd St (Unit A upper)	NW Property Holdings - Oregon, LLC	PO Box 422	Orange City, IA 51041	712-220-3670	jjdrew007@yahoo.com	Donna Rudd, Vacasa Rentals	2865 NE Vine Maple Lp	Yachats, OR 97418	541-547-5177	rudd.donna@gmail.com	R-1	Condo/Apt	10	5146	5/6/2013	Cliff Johnson, 4440 SW Corbett #204, Portland, OR 97239
56	2/7/2013	11 NW 42nd St (Unit B lower)	NW Property Holdings - Oregon, LLC	PO Box 422	Orange City, IA 51041	712-229-3670	jjdrew007@yahoo.com	Donna Rudd, Vacasa Rentals	2865 NE Vine Maple Lp	Yachats, OR 97418	541-547-5177	rudd.donna@gmail.com	R-1	Condo/Apt	8	5146	4/2/2013	Cliff Johnson, 4440 SW Corbett #204, Portland, OR 97239
57	5/2/2014	128 NW 73rd Ct "Pierce Family Beach Retreat"	Fred & Patty Stanwood	10881 SE 258th Pl	Damascus, OR 97089	503-658-4312	fred@oilfilterserviceco.com	same	same	same	same	same	R-1	SFD	8	5336	5/13/2014	
58	11/13/2017	135 NW 77th Ct "Newport Cottage"	Cheryl M Johnson	61329 Triple Knot Rd	Bend, OR 97702	805-890-5767	cmjconsult@gmail.com	Tom Walklet	same	same	805-231-5729	t_walklet@hotmail.com	R-1	SFD	4	5977	12/8/2017	
59	10/24/2012	171 NW 73rd Ct "The Lighthouse "	Jerry Burger	687 NW 3rd St	Prineville, OR 97754	541-390-3675	farmers@crestviewcable.com	same	same	same	same	same	R-1	SFD	10	4317	1/29/2013	
60	12/6/2016	2003 NW Oceanview Dr "Cliff House"	Jenni & Robert Winterburn	3313 Corpus Christi	Simi Valley, CA 93063	805-390-8175	yogajentoo@aol.com	Julie Rosenfeld	60 Woodridge Ln	Yachats, OR 97498	541-547-3428/541-270-8918	rosenfeld_j@yahoo.com	R-1	SFD	8	5773	12/28/2016	

VACATION RENTALS AND BED AND BREAKFASTS  
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	Date Rcd.	Street Address	Property Owner	Address	City/State	Phone #	e-mail	Contact Name	Address	City/State	Phone #	e-mail	Zone	Const Type	Occ	Bus Lic #	Date Notice mailed	Registered Agent / Trustee
61	10/29/2012	2005 NW Oceanview Dr "Oceanfront Paradise"	Margie L Dawson	3158 SW Antler Ln	Redmond, OR 97756	541-480-7444	Margie.dawson@attglobal.net	Donna Rudd, Vacasa Rentals	4440 SW Corbett Ave #204	Portland, OR 97239	503-345-9399	info@vacasarentals.com	R-1	SFD	8	5109	7/10/2013	
62	6/2/2016	2114 NE Crestview Dr "Mary's Vacation Rental"	Mary Yuen	2128 Cornerstone Dr	Winterville, NC 28590	252-717-3060	mary_yuen@yahoo.com	same	same	same	same	same	R-1	SFD	8	5678		
63	10/23/2017	2545 NW Pacific St "D'Anna's Properties "	Michael D'Anna	2584 E Smith Road	Bellingham, WA 98226	360-319-0495	urkaos27@gmail.com	same	same	same	same	same	R-1	SFD	8	5967	12/12/2017	
64	4/24/2017	2767 NW Pacific Pl "Seagrass Pine"	Richard Evans & Julie Sanford	2380 Squak Mt Lp	Issaquah, WA 98027	425-770-9076	richardjamesevans@live.com	Oceanfront Properties, Inc./ Brent Peterson	800 E Franklin St	Newberg, OR 97132	503-260-5087	oceanfrontpropertiesince@gmail.com	R-1	SFD		5837	6/2/2017	
65	9/20/2012	3914 NW Cherokee Ln "Linda Neigebauer "	Linda Neigebauer	3914 NW Cherokee Ln	Newport, OR 97365	541-270-2234 (c) 541-265-2155 (h) 541-265-6262 (w)	lindaraen@charter.net	same	same	same	same	same	R-1	SFD	4	2636	1/9/2014	
66	10/25/2017	520 NW 23rd St "LUCO Property Management Vacation Rental s"	Louis Limbrunner	631 SE 1st St	Newport, OR 97365	541-265-2025		LUCO Property Management	631 SE 1st St	Newport, OR 97365	541-265-2025		R-1	SFD	4	6040	3/12/2018	
67	9/12/2017	688 NE 20th Pl (Upstairs Area) "The Agate House"	William & Kassi Sedwick	522 7th Ave SW	Albany, OR 97321	303-717-2741	bill.sedgwick@gmail.com	Vacasa/Chad Newlin	121 N 9th St Ste 302	Boise, ID 83702	503-345-9399/ 541-921-3438	charles.newlin@vacasa.com	R-1	SFD	6	5765	2/9/2018	
68	10/12/2016	688 NE 20th Pl "The Agate House"	William & Kassi Sedwick	522 7th Ave SW	Albany, OR 97321	303-717-2741	bill.sedgwick@gmail.com	Vacasa/Samantha Ewing	121 N 9th St Ste 302	Boise, ID 83702	503-345-9399/541-974-3811	samanatha.ewing@vacasa.com	R-1	SFD	6	5765	3/17/2017	
69	7/11/2017	1128 SW Elizabeth St "Cheever BnB"	Jeff Cheever	1128 SW Elizabeth St	Newport, OR 97365	541-961-2431	ditto2@charter.net	same	same	same	same	same	R-2	SFD	4	6025	8/14/2017	
70	9/14/2017	1130 SW Martin St "Life is a Beach"	Richard Savicky	34332 Seavey Loop	Eugene, OR 97405	541-954-3115	rsavicky@comcast.net	same	same	same	same	same	R-2	SFD	10	5939	12/14/2017	
71	4/5/2016	1144 SW Mark St "Klose Enterprises"	Kay Klose / Richard Rainery	1144 SW Mark St	Newport, OR 97365	907-952-0659	kaykloseink@gmail.com	same	same	same	same	same	R-2	SFD	4	5643		
72	8/31/2012	1156 SW Mark St "Yaquina House"	Glenn & Lori Stockton	2405 East 16th St	Bremerton, WA 98310	360-621-8653	glenn.stockton@gmail.com	same	same	same	same	same	R-2	SFD	10	5064		
73	2/1/2017	1217 NW Oceanview Dr "Sea Vue House"	Stuart Larsen	1217 NW Oceanview Dr	Newport, OR 97365	541-514-4907	stuart.larsen@yahoo.com	same	same	same	same	same	R-2	SFD	8	5789	3/22/2017	
74	7/2/2012	1235 NW Spring St "Joy's House"	Carol & Bob Reinhard	21680 Butte Ranch Rd	Bend, OR 97702	541-389-2672	carolsuereinhard@gmail.com	Lisa Glenn/Turnkey Vacation Rentals	48 Camp 12 Riverside Ln	Siletz, OR 97380	888-512-0498	reservations@turnkeyvr.com	R-2	SFD	6	5011	5/9/2013 & 11/30/17	
75	10/24/2012	1245 NW Spring St	James & Lana Wetherill	25804 NE Olson Rd	Battle Ground, WA 98604	360-687-1919	wetherill1@juno.com	same	same	same	same	same	R-2	SFD	10	4927	2/28/2013	
76	3/30/2015	1330 NW Spring St "Yaquina Surf Camp"	Roy S Neff and Lauri Hines	32655 Glaisyer Hill Rd	Cottage Grove, OR 97424	858-395-7191	roysneff@gmail.com	Lauri Hines	same	same	same	laurigsd@cox.net	R-2	SFD	8	5444		
77	11/13/2017	1332 NW Thompson St "Williams House"	Jesse Williams	1727 NW 33rd Ave	Portland, OR 97210	202-669-4292	jessejwilliams@gmail.com	Vacasa/Rose Lupton	121 N 9th St Ste 302	Boise, ID 83702	503-345-9399/ 541-961-0364	rose.lupton@vacasa.com	R-2	SFD	10	5982	4/6/2018	
78	10/23/2017	1409 NW Spring St "RSSC Mariner"	Jeff & Karin Gauvin	1409 NW Spring St	Newport, OR 97365	801-230-0545	jeffgauvin@hotmail.com	Oregon Beach Vacations/Dean McElveen	4786 SE Hwy 101	Lincoln City, OR 97367	541-418-0037	dean@oregonvacationrentals.com	R-2	SFD	6	5964	12/14/2017 Updated Contact ltr sent 1/19/18	
79	5/31/2016	1452 NW Spring St "Wave Crest"	Scott McDowell	6553 S Madison Ct	Centennial, CO 80121	303-482-5544	mcdowells1@yahoo.com	Joe Daugherty/Vacasa	121 N 9th St Ste 302	Boise, ID 83702	503-345-9399; 541-351-5935	joe.daugherty@vacasa.com	R-2	SFD	8	5675		
80	9/27/2017	1610 NW Spring St "Donald & Patsy M Family Trust "	Donald & Patsy M Family Trust, Dan Knight	PO Box 919	Sutherlin, OR 97479	541-430-7312	don@knightmgt.com	same	same	same	same	same	R-2	SFD	10	5946	2/5/2018	Dan Knight, Trustee
81	6/1/2015	185 NW 70th St "Oregon Coast Vacation Homes"	Susan & Steven Johnston	10779 N Minnewawa Ave		559-355-9718	suedriver66@yahoo.com	Vacas Rentals - Eric Nicholson	3934 NE MLK Blvd. #204	Portland, OR 97212	971-201-5953	ericon@vacasa.com	R-2	SFD	8	5484		

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	Date Rcd.	Street Address	Property Owner	Address	City/State	Phone #	e-mail	Contact Name	Address	City/State	Phone #	e-mail	Zone	Const Type	Occ	Bus Lic #	Date Notice mailed	Registered Agent / Trustee
82	8/8/2013	224 NE 55th St "Northest 55th St LLC"	Northeast 55th St LLC, Cynthia Cristofani	2860 NW Bauer Woods Dr	Portland, OR 97229	503-645-1354	cynthia.cristofani@povidence.org	Vacasa Vacation Rentals (Donna Rudd, regional mgr)	2865 NE Vine Maple Lp	Yachats, OR 97418	41-547-5177 or 971-998-2448	rudd.donna@gmail.com	R-2	SFD	8	5236	10/2/2013	Cynthia Cristofani, 2860 NW Bauer Woods Dr, Portland, OR 97229
83	11/13/2017	311 NW 58th St "Agate Beach Hideaway "	Micheal G Mantei	5705 NW Biggs St	Newport, OR 97365	503-849-4902	horizonmech2012@gmail.com	same	same	same	same	same	R-2	SFD	6	5976	3/12/2018	
84	2/22/2016	411 NW 60th St "Sam's Sea Haven"	Amy Gordon	10190 SE 37th Ave	Milaukie OR 97222	503-318-5242	mybluepoppis@gmail.com	same	same	same	same	same	R-2	SFD	6	5609	2/17/2017	
85	10/29/2012	416 NW 58th St "John Ross Vacation Rental"	John Ross	1669 Ridgefield St	Eugene, OR 97404-2393	541-206-0966	johnrossd@msn.com	Oregon Shores Vacation Rentals	1115 SW 51st ST	Lincoln City, OR 97367	800-800-7108 (Waldport: 541-563-7108)		R-2	SFD	8	5239	12/4/2012	
86	4/6/2018	424 NW 59th St "Fort Awesome West "	Malcolm Investments LLC / Darroch Burns	PO Box 902	Clackamas, OR 97015	503-793-0499	darrochmb@yahoo.com	same	same	same	same	same	R-2	SFD	8	6066	5/1/2018	Darroch Burns, 14765 SE 82nd Dr, Clackamas, OR 97015
87	5/10/2017	435 NW 58th St "The Beach House at Yaquina Head"	Joan L Meloy	28646 SW Meadows Loop	Wilsonville, OR 97070	503-638-7018	joanmeloy@comcast.net	Vacasa/Chad Newlin	121 N 9th St Ste 302	Boise, ID 83702	503-345-9399/ 541-921-3438	charles.newlin@vacasa.com	R-2	SFD		5852	6/16/2017	
88	7/18/2013	457 NW 56th St "Lightkeepers LLC"	John Mace (Lightkeeper, LLC)	6225 SE Carlton	Portland, OR 97206	503-312-8085	mace3090@comcast.net	Lisa Glenn/Turnkey Vacation Rentals	48 Camp 12 Riverside Ln	Siletz, OR 97380	888-512-0498	reservations@turnkeyvr.com	R-2	SFD	12	5190	3/21/2014	John Mace, 6225 SE Carlton, Portland, OR 97206
89	6/14/2016	457 NW 57th St "Agate Beach Outlook"	Rick & Lynette Ruppel	7424 N Wayland Ave	Portland, OR 97203	971-645-3478	rickruppel@gmail.com	Turnkey Vacation Rentals/ Lisa Glenn	48 Camp 12 Riverside Ln	Siletz, OR 97380	888-512-0498, 541-916-0399	lisa.glen@turnkeyvr.com	R-2	SFD	6	5714	Sent new contact info on 3/18/18	
90	10/29/2012	5053 NW Agate Way "Yaquina Ocean Front Lodge"	Steve & Buffi Hurley/Robert & Lori Cavell	1900 Front St NE	Salem, OR 97301	503-932-1982	shurley@providencehms.com	Donna Rudd, Vacasa Rentals	4440 SW Corbett Ave #204	Portland, OR 97239	503-345-9399	info@vacasarentals.com	R-2	SFD	12	5111	1/11/2013	
91	8/15/2014	510 NW 15th St "Sunny Side Up"	Loretta Johnson	2929 NW Highland Dr	Corvallis, OR 97330	541-757-0303	lcj777@comcast.net	Vacasa Rentals - Donna Rudd	2865 NE Vine Maple Lp	Yachats, OR 97498	503-345-9399 or 971-998-2448	rudd.donna@vacasarental.com	R-2	SFD	6	5381	9/30/2014	
92	9/14/2017	510 SW Minnie St "Life is a Beach"	Richard Savicky	34332 Seavey Loop	Eugene, OR 97405	541-954-3115	rsavicky@comcast.net	same	same	same	same	same	R-2	SFD	10	5939	12/14/2017	
93	7/14/2016	524 A SE 4th St "Baker Rental Properties LLC"	Sandra Baker	6300 SE Roothe Rd	Portland, OR 97267	503-891-0683	bakerskay@gmail.com	Vacasa/Drew Young	121 N 9th St Ste 302	Boise, ID 83702	541-351-1537	andrewy@vacasa.com	R-2	Condo/Apt	4	5534		
94	10/2/2017	525 SE 5th St "Bayside Vacation Rental"	Duane Edwards	PO Box 2088	Newport, OR 97365	541-270-1234	duanerdwards1234@gmail.com	same	same	same	same	same	R-2	SFD	6	5986	1/19/2018	
95	11/16/2013	532 SE 2nd St "Nel Sue LLC"	Sue Hardesty/Nellie Ward	PO Box 2304	Newport, OR 97365	541-265-4516	swhardesty@charter.net	same	same	same	same	same	R-2	SFD	4	2512	12/18/2013	LLC not on Business Registry
96	10/24/2012	535 NW 16th St "Mark Peterson"	Mark Peterson	2440 Willamette St #201	Eugene, OR 97405	541-953-4903	mark@wmbrokers.com	same	same	same	same	same	R-2	SFD	8	5200	5/6/2013	
97	3/8/2017	546 NW 54th St "Seastar Getaway "	Larry & Pat Hood	2127 NE Village Ct	McMinnville, OR 97128	503-583-1126	larryhood4@gmail.com	Vacasa/Chad Newlin	121 N 9th St Ste 302	Boise, ID 83702	503-345-9399/ 541-921-3438	charles.newlin@vacasa.com	R-2	SFD	6	5821	3/27/2017	
98	6/30/2014	554 SE 2nd St "A Slice of Newport"	Nancy Thurston/Jeff Terry	5152 Umatilla	Boise, ID 83709	205-861-2666	nancy.e.thurston@gmail.com	same	same	same	same	same	R-2	SFD	10	5356	7/3/2014	
99	5/10/2017	555 NW 56th St "The Lighthouse at Starfish Cove"	Rob & Leslie Hildebrand	12147 SE Wagner St	Happy Valley, OR 97086	503-975-5169	rhildebrand@multnomah.edu	Vacasa/Chad Newlin	121 N 9th St Ste 302	Boise, ID 83702	503-345-9399/ 541-921-3438	charles.newlin@vacasa.com	R-2	SFD	6	5853	6/16/2017	
100	2/24/2014	556 NW 56th St "Lighthouse View Vacation Rental"	Richard Zhao & Jianhua Pang	23720 SW Stafford Hill Dr	West Linn, OR 97068	503-887-2251/503-550-6533	richard.zhao@intel.com	same	same	same	same	same	R-2	SFD	8	5307	3/6/2014	

VACATION RENTALS AND BED AND BREAKFASTS  
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	Date Rcd.	Street Address	Property Owner	Address	City/State	Phone #	e-mail	Contact Name	Address	City/State	Phone #	e-mail	Zone	Const Type	Occ	Bus Lic #	Date Notice mailed	Registered Agent / Trustee
101	10/4/2017	5608 NW Meander Ave "Les Vacation Rentals "	Steven Leonard	5608 NW Meander Ave	Newport, OR 97365	541-574-1959	s.leonard@msn.com	Vacasa/Becca George	121 N 9th St Ste 302	Boise, ID 83702	503-345-9399/ 971-205-8700	becca.george@vacasa.com	R-2	SFD	8	4937	1/19/2018	
102	4/25/2014	626 NW 54th Ct "Newport Oceanfront Estate"	Newport Oceanfront Estate LLC, Tony Hauser	1705 N 22nd St	Boise, ID 83702	208-850-6425	tonyhouse@hotmail.com	Donna Rudd, Vacasa Rentals	2865 NE Vine Maple Lp	Yachats, OR 97498	541-547-5177	donna@vacasarentals.com	R-2	SFD	18	5329		LLC not on Business Registry
103	1/26/2017	637 SE 2nd St "Sam's Place by the Bay"	Leah Tuttle	PO Box 2323	Sequim, WA 98382	360-808-1474	alleahuttlet@gmail.com	Lisa Glenn/Turnkey Vacation Rentals	48 Camp 12 Riverside Ln	Siletz, OR 97380	888-512-0498 / 737-931-1505	reservations@turnkeyvr.com	R-2	SFD	8	5803	3/20/2017 & 12/15/17 (New Mngt Ltr)	
104	9/21/2012	640 NW 54th Ct "Fred & Bonnie Vacation Rental"	Bonnie & Fred Saxton	1081 SE 1st St	Newport, OR 97365	541-270-2145	bsaxton@teleport.com	Oregon Beach Vacations	4786 Hwy 101	Lincoln City, OR	1-800-723-2383	joy@oregonbeachvacations.com	R-2	SFD	10	5079	1/11/2013	
105	3/8/2017	728 SE 5th St "Burned Wood Bayview "	Justin & Tamarah Sato	21031 Serango Dr	West Linn, OR 97068	503-342-6826	tamarahsato@gmail.com	Vacasa/Chad Newlin	121 N 9th St Ste 302	Boise, ID 83702	503-345-9399/ 541-921-3438	charles.newlin@vacasa.com	R-2	SFD	8	5820	3/27/2017	
106	8/15/2014	745 NW Lee St "Nye Beach Bungalow"	Clare Hanley	94 W Noble St	Stockton, CA 95204	209-471-7954	clarehanley76@gmail.com	Vacasa Rentals - Donna Rudd	2865 NE Vine Maple Lp	Yachats, OR 97498	503-345-9399 or 971-998-2448	rudd.donna@vacasarental.com	R-2	SFD	8	5388	9/3/2014	
107	2/16/2016	748 NW Lee St "Nye Beach Oceankeeper"	Omar Jaff	612 SE 47th Ave	Portland, OR 97215	503-329-4848	ojaff@yahoo.com	Vacasa LLC (Drew Young)	121 N 9th St Ste 302	Boise, ID 83702	503-345-9399 or 541-351-1537	andr3ewy@Vacasa.com	R-2	SFD	8	5607		
108	7/2/2012	902 SW Mark St "Don & Jeannie Andre"	Don & Jeannie Andre	PO Box 1818	Newport, OR 97365	541-265-5870 / 541-961-8534	don@blueagate.com	same	same	same	same	same	R-2	SFD	4	4996	8/6/2013	
109	7/14/2014	1140 SW Abbey St "Abbey Road LLC"	Paul & Kim Montagne	1715 NW Woodland Dr	Corvallis, OR 97330	541-760-2214	kim.montagne@gmail.com	same	same	same	same	same	R-3	SFD	10	5364	10/26/2016	David Scott, 10300 Greenburg Rd, Suite 270, Portland, OR 97223
110	6/14/2016	502 SW 7th St "Highland Treasure Enterprises"	Kim Kossow	PO Box 171	Dallas, OR 97338	503-812-5030	krkossow@charter.net	Vacasa/Drew Young	121 N 9th St Ste 302	Boise, ID 83702	541-351-1537	andrewy@vacasa.com	R-3	SFD	8	5689		
111	7/7/2017	511 SW 3rd St "Robert T Fraser - Nye Haven"	Robert Fraser	4949 Eriskino Way SW	Seattle, WA 98116	206-744-9131	rfraser@uw.edu	Vacasa/Nikki Moore	121 N 9th St Ste 302	Boise, ID 83702	541-272-3163/ 503-345-9399	nikki.moore@vacasa.com	R-3	Condo/Apt	6	6024	1/19/2018	
112	10/29/2012	543 SW 5th St "Jumping Scallops"	Scott & Angela McFarland	3235 NW Crest Dr	Corvallis, OR 97330	541-754-6560	hollywood@proaxis.com	Vacasa/Chad Newlin	121 N 9th St Ste 302	Boise, ID 83702	503-345-9399/ 541-921-3438	charles.newlin@vacasa.com	R-3	Condo/Apt	6	5101	5/6/2013	
113	6/19/2013	546 SW Smith Ct "Faria Vacation Rental"	Diane & Russell Faria	11314 SE 313th Pl	Auburn, WA 98092-3094	253-887-8950	di@difaria.com	Vacasa Vacation Rentals (Donna Rudd, regional mgr)	2865 NE Vine Maple Lp	Yachats, OR 97418	541-547-5177 or 971-998-2448	rudd.donna@gmail.com	R-3	SFD	12	5182	7/11/2012	
114	8/21/2014	607 SW Woods St "Hill Villa"	Sandra & Bob Ringo	14735 SW Tierra del Mar Dr	Beaverton, OR 97007	503-643-5151	sanbobr@frontier.com	Vacasa Rentals - Donna Rudd or Ted Dougherty	2865 NE Vine Maple Lp	Yachats, OR 97498	541-547-5177; 971-998-2448; 961-1287	rudd.donna@vacasarental.com	R-3	SFD	6	5389	9/3/2014	
115	6/19/2012	756 SW 13th St "Bridgeview Cottage"	Craig & Lisa Reed	6363 Orangewood Dr	Alta Loma, CA 91707	909-560-1227	creed-61-61@charter.net	same	same	same	same	same	R-3	SFD	6	4220	11/21/2012	
116	7/9/2012	811 SW 12th St "The Lightkeeper's Inn "	A L Werder Living Trust (Cheryl J Lalack, Trustee)	811 SW 12th St	Newport, OR 97365	541-265-5642	cjlala54@msn.com	Cheryl J. Lalack	same	same	same	same	R-3	SFD	6	4638	11/7/2012	Cheryl J Lalack, Trustee
117	7/5/2016	821 SW 12th St "Arden Cottage"	Kenneth & Cheryl Huff	4646 NE 12th Ave	Portland, OR 97211	971-282-5976	kenhuff2005@msn.com	Vacasa/Drew Young	121 N 9th St Ste 302	Boise, ID 83702	541-351-1537	andrewy@vacasa.com	R-3	SFD	4	5715		
118	3/23/2017	832 SW 13th St "Shack on the Beach"	Wilma Roles	834 SW 13th St	Newport, OR 97365	541-270-5613	roles45@gmail.com	same	same	same	same	same	R-3	SFD	6	5838	6/9/2017	
119	6/22/2016	927 SW 11th St "Dreamy Day Stay"	Steven Palmer	927 SW 11th	Newport, OR 97365	541-351-5751	bkeisch@gmail.com	same	same	same	same	same	R-3	Duplex	8	5085	11/14/2012	

VACATION RENTALS AND BED AND BREAKFASTS  
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120	9/26/2017	1000 SE Bay Blvd #536 (K1) "Bayfront Relaxation "	Eric Breon	26 NW Macleay Blvd	Portland, OR 97210	503-863-0759	eric.breon@gmail.com	Vacasa/Rose Lupton	121 N 9th St Ste 302	Boise, ID 83702	503-345-9399/ 541-961-0364	rose.lupton@vacasa.com	R-4	Condo/Apt	6	5944	10/18/2017	
121	9/22/2017	1018 NW Coast St "Steve Schwartz "	Steven Schwartz	3856 Gala Loop	Bellingham, WA 98226	360-739-9693	stampsteve@gmail.com	same	same	same	same	same	R-4		4	6069	2/26/2018	
122	7/6/2017	107 SW Coast St "Captain's Quarters at Nye Beach"	Roy S Neff and Lauri Hines	32655 Glaisyer Hill Rd	Cottage Grove, OR 97424	858-688-8261	lauri.hines@icbud.com	same	same	same	same	same	R-4	SFD	8	5444	7/11/2017	
123	5/11/2015	1125 NW Spring St #A-103 "Jo Duthie Rental - Lighthouse View"	Toby Ross / Jo Duthie	10647 Kestrel	Klamath Falls, OR 97601	916-719-5555	joduthie@yahoo.com	Lisa Glenn/Turnkey Vacation Rentals	48 Camp 12 Riverside Ln	Siletz, OR 97380	888-512-0498	reservations@turnkeyvr.com	R-4	Condo/Apt	6	4262	11/30/2017	
124	9/14/2015	1125 NW Spring St #C101	Kenneth Sever	1706 Bronze Sunset	Kingwood, TX 77345	281-360-5690	ken.sever@usa.net	Oregon Beach Vacations	4786 SE Hwy 101	Lincoln City, OR 97367	503-528-7480 ext 200	joy@oregonbeachvacations.com	R-4	Condo/Apt	8	5232		
125	8/16/2016	1125 NW Spring St #C201 "Somewhere At The Beach "	Denise Velaski	8590 SW Farrway Dr	Portland, OR 97225	503-297-7823	velaski@comcast.net	Vacasa/Joe Daugherty	121 N 9th St Ste 302	Boise, ID 83702	541-351-5935/503-345-9299	joe.daugherty@vacasa.com	R-4	Condo/Apt	8	5729		
126	8/9/2016	1125 NW Spring St C-2 (c102) "Wandering Whale "	Wendi & Eric Lonnquist	60759 Currant Way	Bend, OR 97702	541-848-9010	wlonnquist@hotmail.com	Vacasa/Joe Daugherty	121 N 9th St Ste 302	Boise, ID 83702	541-351-5935	joe.daugherty@vacasa.com	R-4	Condo/Apt	8	5688	change of ownership 8/9/16	
127	10/30/2012	1125 NW Spring St Unit A 203 "Long Vacation Rental "	Patrick & Susan Long	33201 SE Peoria Rd	Corvallis, OR 97333	541-740-7722 (day)/541-758-8338 (nite)	suelong@kw.com	Lisa Glenn/Turnkey Vacation Rentals	48 Camp 12 Riverside Ln	Siletz, OR 97380	888-512-0498	reservations@turnkeyvr.com	R-4	Condo/Apt	6	5149	12/28/2012 & 11/30/17	
128	11/8/2013	1125 NW Spring St Unit A-201 "Michael's Beach Place"	Michael Adams	1001 NW Lovejoy	Portland, OR 97209	503-544-1733		OR Beach Vacations	4786 SE Hwy 101	Lincoln City, OR 97367	503-528-7480/800-723-2383	joy@oregonbeachvacations.com	R-4	Condo/Apt	8	5261	12/13/2013	
129	9/4/2013	1125 NW Spring St Unit B 102 "Bungles Beach Hideaway"	Kenneth Sever	1706 Bronze Sunset	Kingwood, TX 77345	281-360-5690	ken.sever@usa.net	Oregon Beach Vacations	4786 SE Hwy 101	Lincoln City, OR 97367	503-528-7480 ext. 200	joy@oregonbeachvacations.com	R-4	Condo/Apt	6	5232	9/12/2013	
130	5/6/2016	1125 SW Spring St #C303 (C-9) "Dylan Mayson Vacation Rental"	Dylan Mason	2734 NW Scandia Lp	Bend, OR 97703	208-521-2886	dmason@bendcable.com	Elizabeth Krizman	780 SW Pacific Coast Hwy	Waldport, OR 97394	541-270-8855	elizabeth@orshores.com	R-4	Condo/Apt	6	5656		
131	10/20/2016	13 NW High St "Camille Norwick"	Camille Norwick	121 La Paz Loop	Santa Fe, NM 87508	505-470-3838	camille@camilleadair.com	Vacasa LLC (Samanthah Ewing)	121 N 9th St Ste 302	Boise, ID 83702	503-345-9399 541-974-3811	samantha.ewing@vacasa.com	R-4	SFD	6	5764	3/16/2017	
132	7/2/2012	135 SW Coast St "Nyevana "	Julia & Patrick Rask	910 NW Elizabeth Dr	Corvallis, OR 97330	503-287-2600	raskbull@gmail.com	Vacasa Rentals (Ted Dougherty)	6281 NW Pacific Coast Hwy	Seal Rock, OR 97376	541-961-1287	tedd@vacasarentals.com	R-4	SFD	6	5411		
133	1/23/2013	144 SW 26th St #5 "Regatta Vacation LLC"	Regatta Vacations LLC, Brodie Becksted	144 SW 26th St #10	Newport, OR 97365	541-270-2484	brodiebecksted@msn.com	Brodie L. Becksted	3891 NW Hwy 101	Lincoln City, OR 97367	541-994-9111	brodiebecksted@msn.com	R-4	Condo/Apt	6	5133		Brodie Becksted, The Becksted Team LLC, 144 SW 26th St Unit #10, Newport, OR 97365. Bus Lic says Peter Heisler
134	4/26/2017	145 SW Hurbert #1 "Golden Larch, LLC "	Golden Larch, LLC, Brad & Kathy Dixon	PO Box 483	Corvallis, OR 97339	541-757-7522	bradandkathydixon@comcast.net	same	same	same	same	same	R-4	Condo/Apt	4	5842	9/25/2017	Brad and Kathy Dixon, PO Box 483, Corvallis, OR 97339
135	4/26/2017	145 SW Hurbert #2 "Golden Larch, LLC "	Golden Larch, LLC, Brad & Kathy Dixon	PO Box 483	Corvallis, OR 97339	541-757-7522	bradandkathydixon@comcast.net	same	same	same	same	same	R-4	Condo/Apt	8	5842	9/25/2017	Brad and Kathy Dixon, PO Box 483, Corvallis, OR 97339
136	6/26/2012	165 SW 26th St "Happy Clam"	Sherie Hawley & Gary Gamer	165 SW 26th St	Newport, OR 97365	541-913-2730	sheriehawley@comcast.net						R-4	SFD	12	4740	1/8/2014	
137	1/20/2015	180 C NW Gilbert Way "BIM Investments LLC"	Cuttaliya & Douglas Robinson	PO Box 83	Corvallis, OR 97339	425-563-3279	cuttaliya.y@gmail.com	same	same	same	same		R-4	Condo/Apt	8	5419		Cuttaliya Robinson, 530 Fawn Ln, Philomath, OR 97339

VACATION RENTALS AND BED AND BREAKFASTS  
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	Date Rcd.	Street Address	Property Owner	Address	City/State	Phone #	e-mail	Contact Name	Address	City/State	Phone #	e-mail	Zone	Const Type	Occ	Bus Lic #	Date Notice mailed	Registered Agent / Trustee
138	10/12/2017	225 NW Brook St #A "Shore Leave "	Roderic Millie & Karen Crouse	6049 N 4th Pl	Phoenix, AZ 85012	561-346-6422	rdmillie@live.com	Vacasa/Rose Lupton	121 N 9th St Ste 302	Boise, ID 83702	503-345-9399/ 541-961-0364	rose.lupton@vacasa.com	R-4	Condo/Apt	6	5951	1/19/2018	
139	10/25/2017	232 SW 27th St	Colleen Harris	7137 SW Lola Ln	Tigard, OR 97223	503-209-9816	colleenh@harrisworksystems.com	Vacasa/Rose Lupton	121 N 9th St Ste 302	Boise, ID 83702	503-345-9399/ 541-961-0364	rose.lupton@vacasa.com	R-4	Condo/Apt	6	5716	1/19/2018	
140	8/5/2016	238 SW 27th St "Yaquina Bay Club"	Roy S Neff and Lauri Hines	32655 Glaisyer Hill Rd	Cottage Grove, OR 97424	858-395-7191	roysneff@gmail.com	Lauri Hines	same	same	858-688-8261	laurigsd@cox.net	R-4	Condo/Apt	8	5444		
141	11/28/2012	242 SW 27th St "Bridgetender Rental House"	Sharon A Simmons, Trustee	4004 NW Witham Hill Dr #166	Corvallis, OR 97330	503-635-6731		Jeannie Conklin	6283 SW Trellis Dr	Corvallis, OR 97333	541-760-7664		R-4	SFD	10	5110	12/13/2012	
142	1/17/2014	252 SW 27th St "The House on the Bay"	Jennie Thomas	532 NW Riverside	Bend, OR 97701			Donna Rudd, Vacasa Rentals	2865 NE Vine Maple Lp	Yachats, OR 97498	503-914-0947 or 541-547-5177	rudd.donna@gmail.com	R-4	SFD	8	3988	1/24/2014	
143	7/14/2016	2616 SW Brant St "Casa de Margarita "	Kay Fischer	24625 Evergreen Rd	Philomath, OR 97370-9091	541-740-4116	fischerOR@yahoo.com	Vacasa/Drew Young	121 N 9th St Ste 302	Boise, ID 83702	541-351-1537	andrewy@vacasa.com	R-4	Condo/Apt	6	5705		
144	7/28/2016	2618 SW Brant St "Yaquina Bay Beauty"	Colleen Harris	7137 SW Lola Ln	Tigard, OR 97223	503-209-9816	colleenh@harrisworksystems.com	Vacasa/Drew Young	121 N 9th St Ste 302	Boise, ID 83702	503-345-9399	andrewy@vacasa.com	R-4	Condo/Apt	6	5716		
145	7/2/2014	2622 SW Brant St "The River House"	Roger Benney/Sheryl Craner	755 NW Morning View Ct	McMinnville, OR 97128	360-593-5437	sherylcraner@gmail.com	same	same	same	same	same	R-4	Condo/Apt	6	5354	7/8/2014	
146	2/9/2018	2634 SW Brant St "Bay Bridge Bungalow "	Sharon Tattersall	170 Palomino Ave	Roseburg, OR 97471	303-854-7282	sharoncarroll@hotmail.com	same	same	same	same	same	R-4	Condo/Apt	8	6022	4/6/2018	
147	10/16/2017	28 SW Brook St #B "Brook St Apts LLC"	Leslie Bergshoeff	3109 NE Cooper Rd	Camas, WA 98607	360-513-3439	lesbergshoeff@me.com	same	same	same	same	same	R-4	Condo/Apt	4	5067	2/5/2018	M Pieter Bergshoeff, 3109 NE Cooper Rd, Camas, WA 98607
148	10/16/2017	28 SW Brook St #D "Brook St Apts LLC"	Leslie Bergshoeff	3109 NE Cooper Rd	Camas, WA 98607	360-513-3439	lesbergshoeff@me.com	same	same	same	same	same	R-4	Condo/Apt	4	5067	2/5/2018	M Pieter Bergshoeff, 3109 NE Cooper Rd, Camas, WA 98607
149	10/16/2017	28 SW Brook St #E "Brook St Apts LLC"	Leslie Bergshoeff	3109 NE Cooper Rd	Camas, WA 98607	360-513-3439	lesbergshoeff@me.com	same	same	same	same	same	R-4	Condo/Apt	4	5067	2/5/2018	M Pieter Bergshoeff, 3109 NE Cooper Rd, Camas, WA 98607
150	10/16/2017	28 SW Brook St #F "Brook St Apts LLC"	Leslie Bergshoeff	3109 NE Cooper Rd	Camas, WA 98607	360-513-3439	lesbergshoeff@me.com	same	same	same	same	same	R-4	Condo/Apt	4	5067	2/5/2018	M Pieter Bergshoeff, 3109 NE Cooper Rd, Camas, WA 98607
151	9/5/2017	28 SW Brook St #G "Brook St Apts LLC #G"	Leslie Bergshoeff	3109 NE Cooper Rd	Camas, WA 98607	360-513-3439	lesbergshoeff@me.com	same	same	same	same	same	R-4	Condo/Apt	4	5933	10/13/2017	M Pieter Bergshoeff, 3109 NE Cooper Rd, Camas, WA 98607
152	7/2/2012	29 SW Coast St Unit A "Fairhaven Vacation Rental "	Norm Ferber	5726 NE Big Creek Rd	Newport, OR 97365	541-574-0951	fairhaven@peak.org	same	same	same	same	same	R-4	Condo/Apt	10	4990	10/25/2012	
153	7/2/2012	29 SW Coast St Unit B "Fairhaven Vacation Rental "	Norm Ferber	5726 NE Big Creek Rd	Newport, OR 97365	541-574-0951	fairhaven@peak.org	same	same	same	same	same	R-4	Condo/Apt	10	4990	10/25/2012	
154	7/2/2012	29 SW Coast St Unit C "Fairhaven Vacation Rental "	Norm Ferber	5726 NE Big Creek Rd	Newport, OR 97365	541-574-0951	fairhaven@peak.org	same	same	same	same	same	R-4	Condo/Apt	10	4990	10/25/2012	
155	10/30/2013	3380 NW Oceanview Dr Unit B "Veritas Corp"	Mark & Rebecca DeBoer	1534 Devonshire Pl	Medford, OR 97504	541-944-2996	mdeboer@lithia.com	Meritage HOA	PO Box 429	Newport, OR 97365		jrjohnstone3@msn.com	R-4	Condo/Apt	8	5488	12/5/2013	
156	8/10/2017	35 SW Hurbert St "Beverly Chamberlain"	Beverly Chamberlain	3548 N Brookhaven Ln	Tuscon, AZ 85712	520-299-2386	3548bc@gmail.com	Lisa Glenn/Turnkey Vacation Rentals	48 Camp 12 Riverside Ln	Siletz, OR 97380	888-512-0498	reservations@turnkeyvr.com	R-4	SFD	8	5932	12/8/2017. Sent New Contact Info on 3/12/18	
157	8/13/2012	3749 NW Oceanview Dr "Mountain Seas Development"	Bonnie Sammons	PO Box 680844	Park City, UT 84068			Yaquina Bay Property Mgt	146 SE 1st St	Newport, OR 97365	541-265-3537	lee@yaquinabayproperties.com	R-4	SFD	8	5047	12/26/2012	
158	9/11/2017	375 NE 70th St "Cleek AirBnB"	Todd & Debbie Cleek	2419 SE 49th Ave	Portland, OR 97205	503-789-3211	deb.cleek@gmail.com	same	same	same	same	same	R-4	SFD	8	5940	10/13/2017	
159	3/2/2017	4 SW High St "Michele Longo Eder "	Eder Beach Property LLC	PO Box 721	Newport, OR 97365	541-270-1161	michele@michelelongoeder.com	Michele Longo Eder & Rob Mathewson	same	same	541-270-0590	michele@michelelongoeder.com	R-4	SFD	6	1307	5/30/2017	Michele Longo Eder, 4064 NW Cherokee Lane, PO Box 721, Newport, OR 97365

VACATION RENTALS AND BED AND BREAKFASTS  
WITH ACTIVE ENDORSEMENTS AND BUSINESS LICENSES

	Date Rcd.	Street Address	Property Owner	Address	City/State	Phone #	e-mail	Contact Name	Address	City/State	Phone #	e-mail	Zone	Const Type	Occ	Bus Lic #	Date Notice mailed	Registered Agent / Trustee	
160	3/31/2016	407 NW High St "Pietrok 2 LLC"	Pietrok 2, LLC (Gary A. Pietrok)	665 N 164th St	Omaha, NE 68118	402-707-8614	pietrokcgnc@cox.net	Oceanfront Properties, Inc./ Brent Peterson	800 E Franklin St	Newberg, OR 97132	503-260-5087	oceanfrontpropertiesince@gmail.com	R-4	Duplex	10	5690	8/11/2016 & 10/16/17	David J Pietrok, 1495 Larkspur Lane NW, Salem, OR 97304	
161	8/14/2017	420 NW High St "Hip Nautic"	Rina Myklak	8610 SW Ash Meadows Rd #615	Wilsonville, OR 97070	541-401-8677	rinanurse@hotmail.com	Sweet Home Rentals/Kasey Baker	PO Box 53	Yachats, OR 97498	541-961-5559	info@sweethomesrentals.com	R-4	SFD		6	5923	10/17/2017	
162	3/4/2014	4718 NW Cherokee Ln "Hoffstetter Vacation House"	Kirk Hofstetter & Mary Jo Moeller	2255 Dorchester Dr S	Salem, OR 97302	503-589-4402	maryjo2255@msn.com	same	same	same	same	same	R-4	SFD	10	5306	3/21/2014		
163	8/3/2015	4916 NW Woody Way "Broken Wheel Guest House"	Don P & Leona Rairigh	28145 E Hwy 20	Bend, OR 97701	541-413-0600		James Rairigh	PO Box 962	Salem, OR 97308	503-990-6161 or 503-583-5135 (cell)		R-4	SFD		8	1880		
164	10/1/2012	4920 NW Woody Way "Ocean House Lodge LLC B&B"	Craig & Dawn Lodge	4920 NW Woody Way	Newport, OR 97365	541-265-3888	oceanhousebb@gmail.com	same	same	same	same	same	R-4	SFD	18	704	11/29/2012	Brian Haggarty, 236 W Olive St, Po Box 510, Newport, OR 97365	
165	10/17/2012	4925 NW Woody Way "Tyee Lodge B & B"	Douglas & Dee A. Nebert	4925 NW Woody Way	Newport, OR 97365	541-265-8953	deeanebert@gmail.com	same	same	same	same	same	R-4	SFD	12	1288	11/29/2012		
166	11/9/2017	521 NW Hubbert St "Neptune's Lair by the Sea"	Debbie Sloan	2654 NE Laramie Way	Bend, OR 97701	541-419-4172	q.bee@bendbroadband.com	same	same	same	same	same	R-4	SFD	4	5974	2/26/2018		
167	9/3/2014	539 SW Park St "Toast of the Coast"	Michael Tran	2262 Sunrise Ave	Santa Rosa, CA 95409	503-810-1559		same	same	same	same		R-4	SFD	12	2702	10/15/2014		
168	3/30/2015	580 NW 6th St "Muenchmeyer Vacations"	Hans-Christian & Andrea Muenchmeyer	2330 NE Stanton St	Portland, OR 97212	971-263-5078; 503-407-3886	hans-christian.munchmeyer@comcast.net	same	same	same	same	same	R-4	SFD	8	5449			
169	1/19/2018	582 NW 3rd St "BMD Rentals LLC"	Rachel Wold	12590 SW Glacier Lily Circle	Portland, OR 97223	541-961-8455		Seanna Lynn Dahl	2753 NE Old River Rd	Siletz, OR 97380	541-690-9823	bmd.llc.properties@gmail.com	R-4	SFD		8	5994	3/12/2018	
170	7/16/2012	589 W Olive St "Amarandos Rental"	Mark & Anna Amarandos	25292 Abilene Ct	Laguna Hills, CA 92653	949-360-6517	anna.amarandos@cox.net	Vacasa Vacation Rentals (Donna Rudd, regional mgr)	2865 NE Vine Maple Lp	Yachats, OR 97418	541-547-5177 or 971-998-2448	rudd.donna@gmail.com	R-4	SFD	8	4222	12/5/2012		
171	9/12/2017	610 NW 9th St "Newport House"	Betty Willis	610 NW 9th St	Newport, OR 97365	530-410-1391	0817betty@gmail.com	Vacasa/Chad Newlin	121 N 9th St Ste 302	Boise, ID 83702	503-345-9399/ 541-921-3438	charles.newlin@vacasa.com	R-4	SFD	8	5938	1/19/2018		
172	1/8/2014	757 SW 6th St "A-Frame"	Doug Chu	11954 NE Glisan St 134	Portland, OR 97220	503-888-6056	chewnews49@gmail.com	same	same	same	same	same	R-4	SFD	8	5280			
173	11/14/2014	912 NW Coast St "Nye Beach Retreat"	Patricia A. Lee	6765 SW Molalla Bend Rd	Wilsonville, OR 97070	503-694-6452	palee03@comcast.net	Vacasa Rentals - Ted Dougherty	6281 NW Pacific Coast Hwy	Seal Rock, OR 97376	541-270-1287	vacasa.ted@gmail.com	R-4	SFD	6	5409	12/10/2014		
174	3/23/2017	946 NW High St "Bahler Rentals"	David Bahler	1910 Millcreek Way	Salt Lake City, UT 84106	801-455-3390	awbahler@gmail.com	Dean McElven	4786 SE Hwy 101	Lincoln City, OR 97367	503-528-3480	obv@oregonbeachvacations.com	R-4	SFD	6	5807	9/8/2017		
175	7/25/2013	1000 SE Bay Blvd #114 "Franck Vacation Rental"	Ellen & Lawrence Franck	205 Laguna Dr W	Litchfield Pk, AZ 85340	623-935-6092		same	same	same	same		W-2	Condo/Apt	4	5222	8/6/2013		
176	7/16/2013	1000 SE Bay Blvd #115	Morales/Bartus, LLC	10855 SW Cascade	Tigard, OR 97223	503-620-3691	dave@rtangle.net	Embarcadero Resort Service Provider, LLC	1000 SE Bay Blvd.	Newport, OR 97365	541-265-8521		W-2	Condo/Apt	4	5212	11/4/2013	David E Morales, 10855 SW Cascade Ave, Tigard, OR 97223	
177	9/16/2013	1000 SE Bay Blvd #130 "Clopine Vacation Rental"	Robert, Betsey, Alan & Anne Clopine	PO Box 1401	Idyllwild, CA 92549	951-659-4590 or 858-442-9701	bbclopine@msn.com	Embarcadero Resort Service Provider, LLC	1000 SE Bay Blvd.	Newport, OR 97365	541-265-8521		W-2	Condo/Apt	4	5240			
178	7/2/2013	1000 SE Bay Blvd #132 "Smith Newport Condo LLC"	Smith Newport Condo, LLC.	4601 NE 77th Ave Ste 180	Vancouver, WA 98662	360-326-6000	denas@mikatomi.co.	Embarcadero Resort Service Provider, LLC	1000 SE Bay Blvd.	Newport, OR 97365	541-265-8521		W-2	Condo/Apt	4	5203	11/4/2013	Jerome Elliot, 707 SW Washington St, Ste 1500, Portland, OR 97205	

VACATION RENTALS AND BED AND BREAKFASTS  
WITH ACTIVE ENDORSEMENTS AND BUSINESS LICENSES

	Date Rcd.	Street Address	Property Owner	Address	City/State	Phone #	e-mail	Contact Name	Address	City/State	Phone #	e-mail	Zone	Const Type	Occ	Bus Lic #	Date Notice mailed	Registered Agent / Trustee
179	6/7/2017	1000 SE Bay Blvd #146 "Richen Vacation Rental"	Sylvia Richen	9031 SW Summerfield Ct	Tigard, OR 97224	503-624-6032	sylviarichen@comcast.net	Vacasa/Chad Newlin	121 N 9th St Ste 302	Boise, ID 83702	503-345-9399/ 541-921-3438	charles.newlin@vacasa.com	W-2	Condo/Apt	4	5879	2/9/2018	
180	5/17/2013	1000 SE Bay Blvd #225	Christie M Connard	1585 SW Brooklane Dr	Corvallis, OR 97333	541-752-7800	connardc@peak.org	Vacasa Vacation Rentals (Ted Dougherty)	2865 NE Vine Maple Lp	Yachats, OR 97418	541-961-1287	tedd@vacasarentals.com	W-2	Condo/Apt	6	5175	7/17/2014	
181	7/2/2013	1000 SE Bay Blvd #403 "Smith Newport Condo LLC"	Smith Newport Condo, LLC	4601 NE 77th Ave Ste 180	Vancouver, WA 98662	360-326-6000	denas@mikatomi.co,	Embarcadero Resort Service Provider, LLC	1000 SE Bay Blvd.	Newport, OR 97365	541-265-8521		W-2	Condo/Apt	4	5203	11/4/2013	Jerome Elliot, 707 SW Washington St, Ste 1500, Portland, OR 97205
182	7/2/2013	1000 SE Bay Blvd #427 (J-2)	Loranger Properties LLC	PO Box 326	Hillsboro, OR 97123	503-648-1911	lorangerco@aol.com	same	same	same	same	same	W-2	Condo/Apt	4	5225	5/20/2014	Claire Loranger, 2990 Baseline Rd, Cornelius, OR 97113
183	7/16/2013	1000 SE Bay Blvd #504 "Gould Family Trust"	Gould Family Trust, Terry & Janice Gould, co-trustees	5620 SW Riverside Ln Unit 16	Portland, OR 97239	541-285-6744	t.gould@comcast.net	Embarcadero Resort Service Provider, LLC	1000 SE Bay Blvd.	Newport, OR 97365	541-265-8521		W-2	Condo/Apt	6	5210	11/13/2013	Terri & Janice Gould, Trustees
184	7/16/2013	1000 SE Bay Blvd #642 "Cynthia Hinds"	Cynthia Kelley Hinds	569 Culpin St	Denver, CO 80218	303-888-4940	cindyhinds@hotmail.com	Embarcadero Resort Service Provider, LLC	1000 SE Bay Blvd.	Newport, OR 97365	541-265-8521		W-2	Condo/Apt	4	5207	10/2/2013	
185	4/11/2014	1000 SE Bay Blvd Unit #140 "VKN Vacation Rental"	VKN Vacation Rental, ATTN: Valerie K Nichols	940 NW Westwood Pl	Corvallis, OR 97330	541-757-3660		Embarcadero Restaurant & Lounge	1000 SE Bay Blvd.	Newport, OR 97365	541-265-8521		W-2	Condo/Apt	4	5251		
186	1/23/2018	1000 SE Bay Blvd, Unit G-245 "Kevin Stewart House"	Kevin & Danielle Stewart	2100 NE Walnut Dr	Redmond, OR 97756	541-728-8708	fletmx@yahoo.com	Vacasa/Becca George	121 N 9th St Ste 302	Boise, ID 83702	503-345-9399/ 971-205-8700	becca.george@vacasa.com	W-2	Condo/Apt	6	6010	2/9/2018	
187	7/2/2012	144 SW 26TH #1 "Winward at the Rigatta"	Charles & Michele Acock	3142 Reservoir Rd	Walla Walla, WA 99362	509-522-1112	cowdoc543@AOL.com	same	same	same	same	same	W-2	Condo/Apt	6	4982	12/13/2012	
188	11/12/2015	859 SW Bay Blvd "Roger Yost's Pier House"	Roger Yost	189 Liberty St NE	Salem, OR 97301	503-884-7333	rogeryost@comcast.net	same	same	same	541-902-1973	same	W-2	Condo/Apt	6	5663		
189	8/2/2012	890 SE Bay Blvd #205 "OR Bayfront Condo "	Gary H & F Rebecca Thorgaard	PO Box 514	Clarkston, WA 99403	509-432-6053	gthorgaard@gmail.com	same	same	same	same	same	W-2	Condo/Apt	4	5037	12/27/2012	
190	1/9/2013	890 SE Bay Blvd #314 "The Landing at Newport"	Debra Harland	PO Box 1545	Newport, OR 97365	541-270-1779	debbie@dharlandcpa.com	same	same	same	same	same	W-2	Condo/Apt	4	3184		



## **Vacation Rental Ad-hoc Committee Agenda Item Report**

Meeting Date: May 16, 2018

Submitted by: Sherri Marineau

Submitting Department: Community Development

Item Type: Presentations

Agenda Section: Options for Amending VRD Regulations (50 MINS)

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**Subject:**

PowerPoint Presentation

**Suggested Action:**

**Attachments:**

[PowerPoint Presentation - color.pdf](#)

[PowerPoint Presentation - black and white.pdf](#)

# CITY OF NEWPORT VACATION RENTAL CODE UPDATE

Enforcement,  
Approval Process, Posting Requirements and  
Effect of Rule Changes on Existing Rentals

May 16, 2018

Vacation Rental Ad-Hoc Committee Meeting

# MEETING OBJECTIVES

- Obtain Committee input on changes it would like to see made to safety and development standards for vacation rentals
- Topics to be covered include:
  - ▣ Enforcement
  - ▣ License Renewal/Expiration
  - ▣ Approval Process
  - ▣ Posting Requirements
  - ▣ Effect on Existing Rentals
- Staff will take feedback from this meeting to develop draft code amendments for review by the Committee at future meetings
- These same requirements apply to Bed & Breakfast (B&B) establishments, so if you see a reason to treat them differently relative to these topic areas, now is the time to point it out

# ENFORCEMENT

## Issues

- Improve transparency and citizen access to information
  - Ensure enforcement is “right sized” to available resources
  - Develop tools to terminate licenses of repeat offenders
- 

## Observations

- ▣ Clear desire to see a “local contact” versus a “designated contact”
- ▣ Interest in having a centralized complaint system with the City
- ▣ Consideration is needed as to the role of the “local contact” versus the “city” as the first point of contact for addressing complaints
- ▣ Rules such as a two year cooling off period (Hood River) may be needed to address properties with chronic compliance issues

# LICENSE RENEWALS/EXPIRATION

## Issues

- How frequently should licenses be renewed?
  - Should licenses have automatic expiration provisions?
- 

## Observations

- ▣ Appears to be interest in seeing annual licensing with periodic inspections
- ▣ Consideration should be given to allowing renewed licenses to maintain any grandfathering rights and place under the cap
- ▣ Transferability of active licenses to new owners is a significant consideration with caps
- ▣ Some jurisdictions automatically expire licenses if there is no rental activity (Manzanita) or room tax payments are past due (Seaside).  
Interest?

# APPROVAL PROCESS

## Issues

- Should licenses continue to be over the counter with a conditional use as an option only if fixed standards cannot be met?
  - What role should neighbors have in the permitting process?
- 

## Observations

- ▣ Over the counter processes are appropriate for non-discretionary (i.e. “fixed”) approval standards whereas a land use process, with advance notice to neighbors is needed if discretion is involved.
- ▣ Advance notice to neighboring property owners is usually reserved to discretionary processes
- ▣ Discussion to date suggests general support for maintaining an over the counter approval process with a limited conditional use option

# POSTING REQUIREMENTS

## Issues

- Are there concerns with the existing posting requirements?
  - Are the current guest registry and complaint log rules sufficient?
- 

## Observations

- ▣ Current posting rules require occupancy limits, local contact information, diagram of parking locations, trash pick-up/storage, noise limits and emergency information be posted on-site
- ▣ Guest registry requirement includes tenant information, occupancy, vehicle plate numbers, and rental dates. Information must be made available to first responders
- ▣ Complaint log must document the nature of the complaint, the date it was received, and efforts taken to resolve the issues
- ▣ These have not been points of contention

# EFFECT OF RULE CHANGES ON EXISTING RENTALS

## Issues

- Should existing VRDs be required to comply with new rules?
  - What about VRDs in newly designated prohibited areas?
- 

## Observations

- ▣ This is more challenging where there is a land use regulation at issue (e.g. maximum occupancy, parking, etc.) as opposed to procedural changes (e.g. frequency of license renewals, notice, inspections, etc.)
- ▣ Consideration should be given to how the City should treat VRDs operating with conditional use approvals that deviate from current standards. Pre-2012 Conditional Uses were partially grandfathered
- ▣ Grandfathering may be needed to achieve desired affects with some standards, such as proximity requirements.
- ▣ VRDs in prohibited areas will need to be phased out over time.



QUESTIONS?

## CITY OF NEWPORT VACATION RENTAL CODE UPDATE

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2

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3

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4

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5

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6

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7

QUESTIONS?

8

## **Vacation Rental Ad-hoc Committee Agenda Item Report**

Meeting Date: May 16, 2018

Submitted by: Sherri Marineau

Submitting Department: Community Development

Item Type: Discussion

Agenda Section: Options for Amending VRD Regulations (50 MINS)

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**Subject:**


Host Compliance

**Suggested Action:**

**Attachments:**

[Enforcement Overview.pdf](#)

# Memorandum

To: Vacation Rental Ad-Hoc Committee  
From: Derrick Tokos, Community Development Director   
Date: May 11, 2018  
Re: Enforcement Overview

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Police Chief Jason Malloy and Community Service Officer Jovita Ballentine will be attending the May 16<sup>th</sup> committee meeting to participate in the discussion about how the City might best approach enforcement of vacation rental dwellings. City staff will also be talking to a firm by the name of "Host Compliance, LLC" that offers code enforcement service to local governments for a fee. That meeting will occur a couple of days prior to your upcoming committee meeting. Attached is a summary of the services that the firm provides, and additional can be found on their website at: <https://hostcompliance.com/>

### Attachments

Host Compliance Solutions Overview



# Host Compliance Solutions Overview





# CONTENTS

**CONTENTS..... 2**

**EXECUTIVE SUMMARY..... 3**

**SHORT-TERM RENTAL COMPLIANCE MONITORING AND ENFORCEMENT SOLUTIONS ..... 4**

**Short-Term Rental Registration/Licensing/Permitting Solutions.....5**

**Short-Term Rental Trend Monitoring Services .....6**

**Short-Term Rental Address Identification Services .....7**

**Short-Term Rental Compliance Monitoring Services .....9**

**Rental Activity Monitoring, Audit and Tax Collection Services .....10**

**Mobile Friendly Online Tax Payment Solutions .....11**

**7/24 Short-Term Rental Hotline Services.....12**

**SHORT-TERM RENTAL ORDINANCE CONSULTING SERVICES..... 13**

**CUSTOM SHORT-TERM RENTAL DATA & ANALYTICS ..... 14**



# Executive Summary

With more than 80 government clients, Host Compliance is the leading provider of short-term rental consulting and compliance monitoring and enforcement solutions to cities, counties and states. The company is exclusively focused on helping government organizations address short-term rental related challenges and its services include:

## COMPLIANCE MONITORING & ENFORCEMENT SOLUTIONS



## SHORT-TERM RENTAL ORDINANCE CONSULTING SERVICES



## CUSTOM SHORT-TERM RENTAL DATA & ANALYTICS SERVICES



This document describes our services in more detail. To schedule a complimentary consultation to discuss solutions to the short-term rental related activity and enforcement challenges in your community, please contact us on [info@hostcompliance.com](mailto:info@hostcompliance.com).



## Short-Term Rental Compliance Monitoring and Enforcement Solutions

Host Compliance's software-as-a-service tools allow governments to quickly and cost-effectively identify and bring short-term vacation rentals into compliance, while maximizing tax collections and effectively addressing neighbor concerns.

Our short-term rental compliance monitoring and enforcement offerings are delivered in the form of cloud-based Software-as-a-Service (SaaS) solutions. This means there's nothing to install, host, or upgrade. We take care of the technology, so you can focus on the business of government.

Our services are generally sold as an annual subscription and priced based on the number of short-term rental listings/properties that we need to monitor/manage.

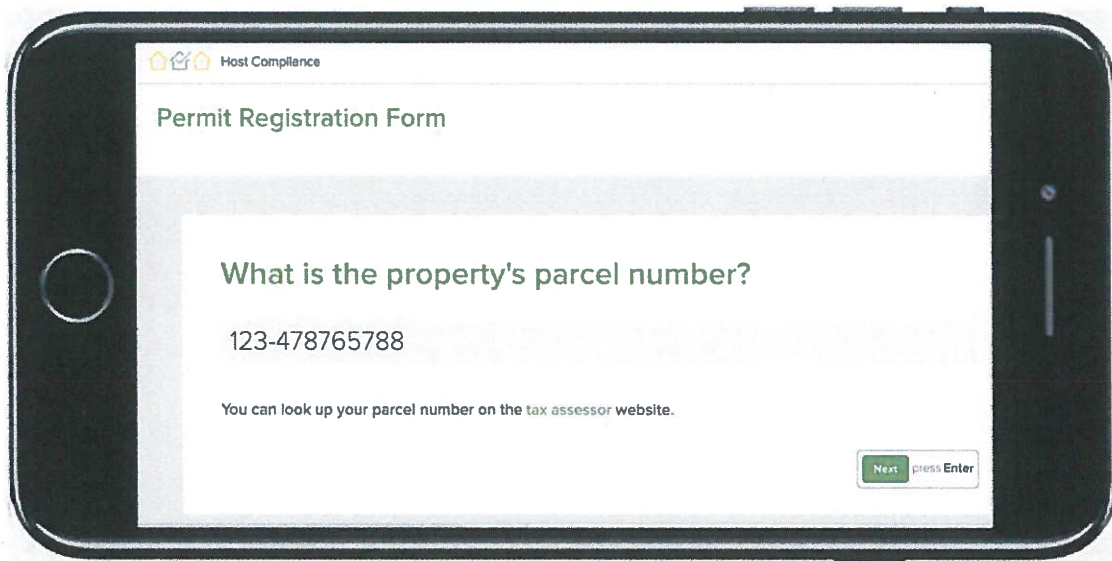
Please contact us on [info@hostcompliance.com](mailto:info@hostcompliance.com) if you would like to learn more about these services or would like to obtain more detailed pricing information.

The following sections provide additional information on our suite of services:



## Short-Term Rental Registration/Licensing/Permitting Solutions

The first step in any compliance program related to short-term vacation rentals involves getting the property owners and managers to register their properties. Given the tech-savvy nature of short-term rental hosts, and the large volume of registrations, the best practice is to allow citizens to apply, pay, and track the status of their applications online. Equally important, the online forms need to be mobile friendly, as ~50% of short-term rental hosts prefer to handle their business from their mobile devices.



Host Compliance's online short-term rental registration forms are fully customizable to accommodate each organization's unique documentation and application requirements. In addition, the online forms let applicants pay online via credit card or e-check while depositing all funds directly into your organization's bank account via daily direct deposits.

Status	Registration Number	Parcel Number	Registration Address	Registered List Number	Owner-Created Number 1	Enter Agency Contact Person	Signature	Recommendation
data updated	1372			N/A			N/A	None
data updated	1470			N/A			N/A	None
data updated	1433			N/A			N/A	None
data updated	1561			N/A			N/A	None
data updated	1020			N/A	T		N/A	None
registration system	STR CO 00 16 16 34			N/A			Riley Sauer	None
registration system	STR CO 00 16 16 35			12			Riley Sauer	Elgin County, CO (COA12) M
registration system	STR CO 00 16 30			N/A	F		Riley Sauer	Elgin County, CO



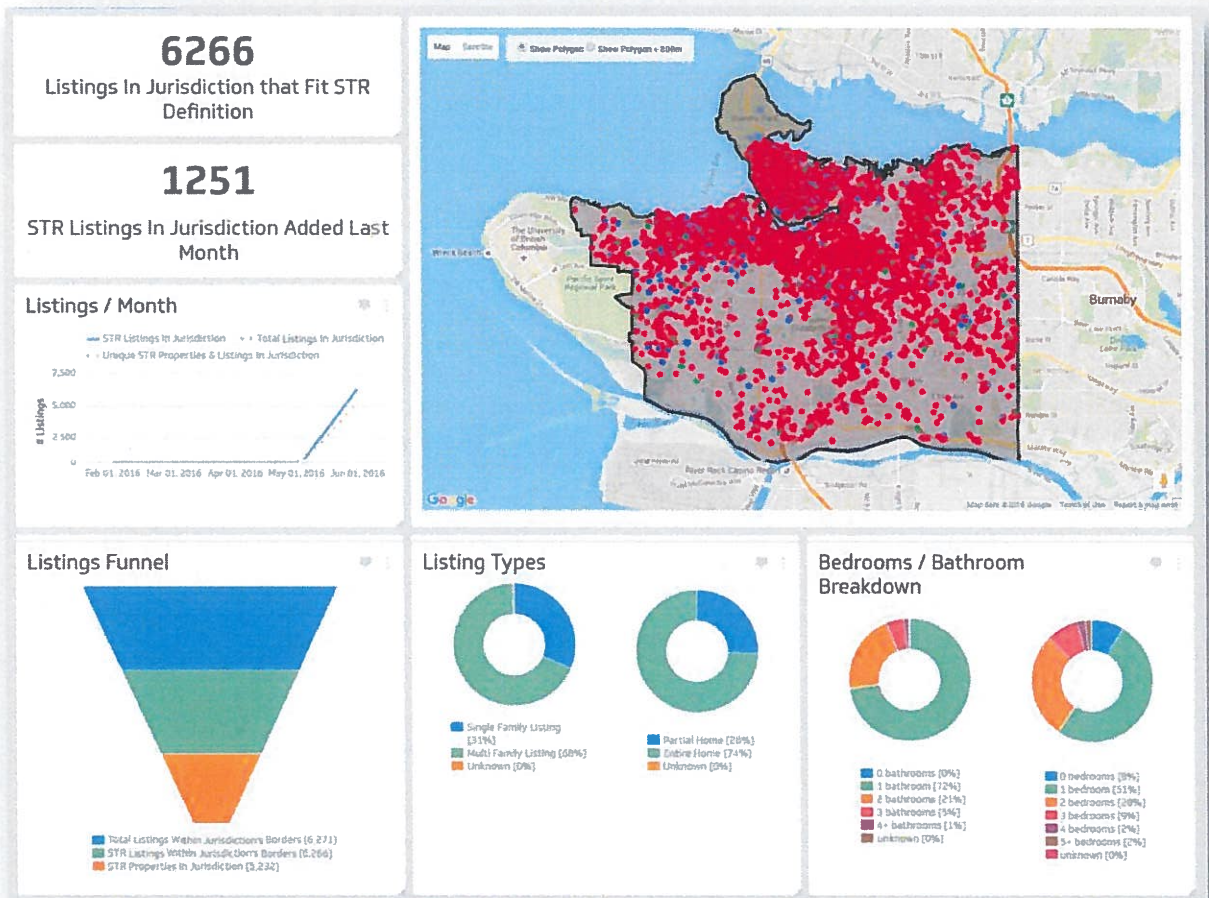


## Short-Term Rental Trend Monitoring Services

For governments interested in monitoring the aggregate short-term rental activity in their jurisdiction, our STR Trend Monitoring service provides a live web-delivered dashboard with aggregate statistics on the short-term rental activity in their specific area:

- Active monitoring of jurisdiction's short-term rental listings across 25+ STR websites
- Weekly analysis of jurisdiction's STR activity scale, scope and trends

The service is sold as an annual subscription and cost only \$380 per year. You can order it directly from our webpage by clicking on <https://hostcompliance.com/str-trend-monitoring/buy>.







## Short-Term Rental Address Identification Services

Figure 1: Address Identification Screenshot 1 of 4



For governments looking for cost-effective ways to easily obtain a constantly updated list of the situs addresses and owner contact information for the short-term rental properties operating in their jurisdiction, our Address Identification service is a perfect match. As the name implies, this service provides a live web-delivered dashboard with complete address information and screenshots of all identifiable STRs in your local government's jurisdiction:

- Active monitoring of jurisdiction's short-term rental listings across 25+ STR websites
- Weekly analysis of jurisdiction's STR activity scale, scope and trends
- Up-to-date list of jurisdiction's active STR listings
- High resolution and full-screen screenshots of all active listings (captured weekly)
- Full address and owner contact information for all identifiable STRs in jurisdiction
- All available listing and contact information for non-identifiable STRs in jurisdiction
- All data can be downloaded into Microsoft Excel or CSV files for easy portability or upload into other systems.

Figure 2: Address Identification Screenshot 2 of 4

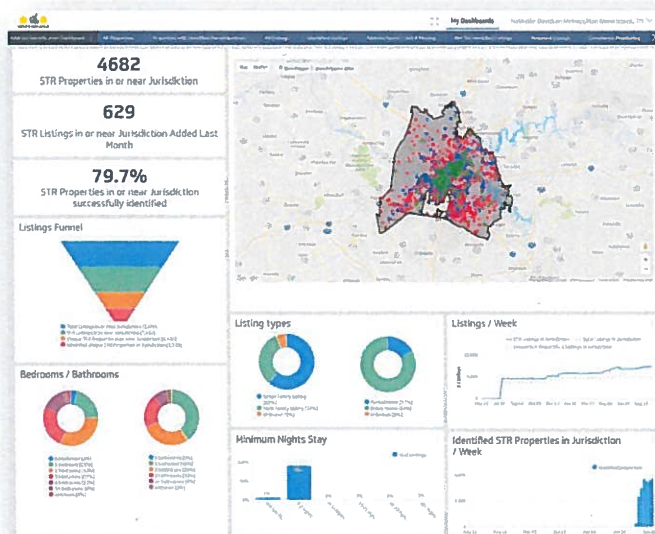






Figure 3: Address Identification Screenshot 2 of 5

Host Compliance Listing	Meets STR Definition	Listing's First Activity ID	Listing Site	Listing Title	Listing URL	Address Identified	Owner Type	Identified Address	Listing's Minimum Night	Listing Room Type	Ident. Validation Page
air12008847	true	May 14, 2016	air	B&B Room for 3	https://www.airbnb.co...	True	...	...	1	Private room	Validation URL
air12736815	true	May 14, 2016	air	Room with Two Single Beds	https://www.airbnb.co...	True	...	...	1	Private room	Validation URL
air12062930	true	May 14, 2016	air	3 Bedroom Home	https://www.airbnb.co...	True	...	...	1	Entire Home/apt	Validation URL
air12707266	true	May 14, 2016	air	Hosted Tenting - Site #4	https://www.airbnb.co...	True	...	...	1	Private room	Validation URL
air11067679	true	May 14, 2016	air	Dainty family-friendly 500 sqft. apt	https://www.airbnb.co...	True	...	...	3	Entire home/apt	Validation URL
air12268901	true	May 14, 2016	air	Hosted Tenting - Site #1	https://www.airbnb.co...	True	...	...	1	Private room	Validation URL
air12268964	true	May 14, 2016	air	Hosted Tenting - Site #8	https://www.airbnb.co...	True	...	...	1	Private room	Validation URL
air12268463	true	May 14, 2016	air	Hosted Tenting - Site #2	https://www.airbnb.co...	True	...	...	1	Private room	Validation URL
air9064200	true	May 14, 2016	air	James's Bay Loft (Hosco)	https://www.airbnb.co...	True	...	...	2	Entire home/apt	Validation URL
air12008828	true	May 14, 2016	air	B&B room for 2	https://www.airbnb.co...	True	...	...	1	Private room	Validation URL
air9071863	true	May 14, 2016	air	Jacques's Bay Street Suite	https://www.airbnb.co...	True	...	...	2	Entire home/apt	Validation URL
air12269015	true	May 14, 2016	air	Hosted Tenting - Site #3	https://www.airbnb.co...	True	...	...	1	Private room	Validation URL
air12289105	true	May 14, 2016	air	Hosted Tenting - Site #5	https://www.airbnb.co...	True	...	...	1	Private room	Validation URL
air2091856	true	May 14, 2016	air	Techno Retreat	https://www.airbnb.co...	True	...	...	2	Entire home/apt	Validation URL
air12389556	true	May 14, 2016	air	West Coast's Tulum Retreat	https://www.airbnb.co...	True	...	...	1	Private room	Validation URL
air7284407	true	May 14, 2016	air	#25 - South Chesterman	https://www.airbnb.co...	True	...	...	2	Entire home/apt	Validation URL
air12515450	true	May 14, 2016	air	Water Front Condo 13 Downtown Tulum	https://www.airbnb.co...	True	...	...	2	Entire home/apt	Validation URL
air10254784	true	May 14, 2016	air	Miami - Near Tulum Waterfront Suite	https://www.airbnb.co...	True	...	...	3	Entire home/apt	Validation URL

Figure 4: Address Identification Screenshots 4 and 5 of 5

**13733 Heidi Way, Truckee, CA, United States**  
 Active Identified

**Market Details**

Analysis: 1279  
 Population: 1054  
 Number of Listings: 1279

**Listing Details**

Listing Title: 13733 Heidi Way, Truckee, CA, United States  
 Listing Status: Active  
 Listing Title: 13733 Heidi Way, Truckee, CA, United States  
 Listing First Published: 8/24/2015  
 Listing Last Published: 8/24/2016  
 Price: \$200/night

**Timeline of Activity**

Timeline of Activity: A bar chart showing listing activity over time, with a peak in August 2016.





# Short-Term Rental Compliance Monitoring Services

For governments looking for cost-effective automated ways to bring short-term rentals into compliance with their registration requirements, our Compliance Monitoring service is a great choice. In this service we combine our ability to monitor short-term rentals for compliance with our client jurisdictions' registration/licensing/permitting requirements, with systematic and automated outreach initiatives to non-compliant short-term rental property owners (using our client's form letters).

- Ongoing monitoring of STRs for compliance with registration/licensing/permitting requirements
- Pro-active and systematic outreach to non-permitted and/or illegal short-term rental operators (using our clients' form letters)
- Weekly staff report on jurisdiction's zoning and permit compliance:
- Up-to-date list of STRs operating illegally or without the proper permits/licenses/registrations
- Full reporting and PDF copies of all letters sent to each individual home owner
- Ability to include full color screenshots of online listings in letters
- Full case history for non-compliant listings

Figure 6: Advanced Host Compliance Solution letter example (page 1 of 2).

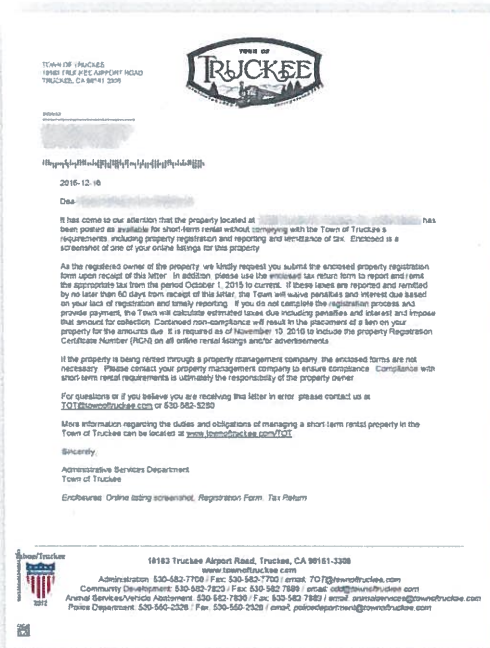
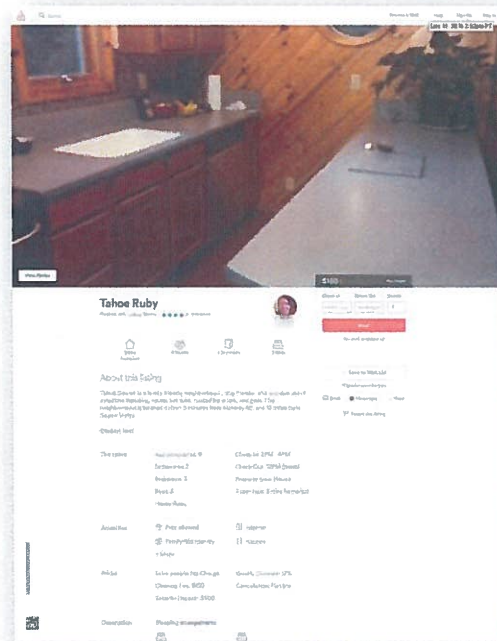


Figure 7: Advanced Host Compliance Solution letter example – (page 2 of 2).





## Rental Activity Monitoring, Audit and Tax Collection Services

If tax compliance is a major concern, our Rental Activity Monitoring and Tax Collection Support Services can be a big help in identifying, notifying, auditing and collecting sales/lodging/hotel/occupancy taxes from short-term rental property owners that fail to report or under-report taxes:

- Up-to-date list of short-term rental landlords suspected of under-reporting taxes
- Systematic capture of online signs of rental activity (calendar and review activity ) which serves as the foundation for the suspicion of tax under-reporting
- Accurate quarterly estimates of each rentals gross rental revenue
- Weekly screenshots of reviews and calendars for each active listing
- Quarterly pro-active, systematic and data-informed outreach to short-term rental operators suspected of under-reporting taxes (using our clients' form letters)
- Quarterly staff report on jurisdiction's STR tax compliance:
- Custom reports and analysis to support tax audits and other STR related investigations

Revenue Estimate

Clear all filters  
Time Period = 2017 Q3

Time Period (1) Parcel Number (Any) Address (Any) Documented Nights Occupied (Any) Additional filters

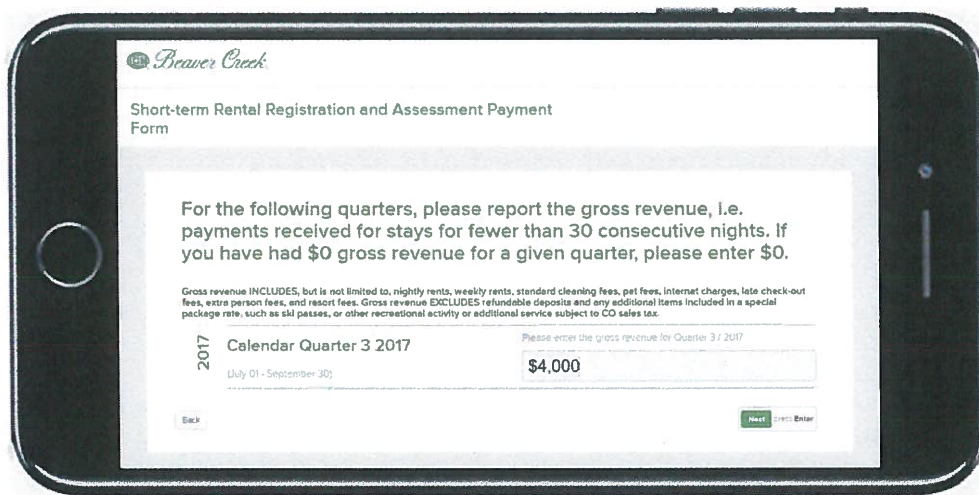
Showing 1 to 50 of 1,730 entries (Filtered from 20,085 total entries)

Host Compliance Rental Unit ID	Address	Unit Number	Parcel Number	Time Period	Documented Nights Occupied	Estimated Nights Occupied	Documented Gross Revenue in USD	Estimated Gross Revenue in USD	Maximum Possible Gross Revenue in USD
0b6tBgtHGOqI7v+J5		N/A		2017 Q3	15	43	\$19,305	\$56,117	\$355,901
oPz6TIRGKMYbQH W		N/A		2017 Q3	12	25	\$14,037	\$30,621	\$527,903
zy#KGPbAP4DrCneF H		N/A		2017 Q3	18	35	\$13,500	\$26,005	\$69,000
oQgUaWk.FthbkiJm		N/A		2017 Q3	24	50	\$12,001	\$25,106	\$92,009
zmM5S3WvnuJ2Nge d		N/A		2017 Q3	18	47	\$9,211	\$24,113	\$205,396
RYA+4DYUkkaezrJ		N/A		2017 Q3	14	39	\$8,572	\$23,621	\$128,046
cbOmdhdseF-RGR		N/A		2017 Q3	5	18	\$8,733	\$23,580	\$243,627



## Mobile Friendly Online Tax Payment Solutions

Making it easy to report and remit taxes is one of the easiest and most effective ways to maximize tax compliance among short-term rental property owners and managers. By reducing the friction in the tax reporting and remittance process, your organization vastly improves the probability of being paid on time, while reducing the need for time-intensive and costly paperwork and cross-system data reconciliation. Our forms come with integrated credit/debit card and electronic check payment functionality as well as the ability to collect electronic signatures and backup documents.



All

payments are processed through a 3<sup>rd</sup> party payment processor called Stripe. Stripe has been audited by a PCI-certified auditor and is certified to PCI Service Provider Level 1. This is the most stringent level of certification available in the payments industry.

My Dashboards Beaver Creek, CO

Payments

Showing 1 to 22 of 22 entries

Registration Number	Address	Unit Number	Stripe Charge ID	Status	From Date	To Date	Time Submitted	Time Approved/Declined	Signature Name	Payment Amount	Taxable ?	Assessable Property	Tax Assessment	Action
STR-00-00-16-34		N/A		complete	2016-01-01	2017-06-30	2017-09-20 07:43pm	2017-09-20 01:28pm		\$201.62	90.00	\$200.00		Mark payment as returned or refunded
STR-00-00-16-35	12			complete	2016-01-01	2017-06-30	2017-09-20 08:21pm	2017-09-20 02:29pm		\$201.62	80.00	\$200.00		Mark payment as returned or refunded
STR-00-00-16-36		N/A		complete	2016-01-01	2017-06-30	2017-09-20 08:37pm	2017-09-20 02:36pm		\$201.62	90.00	\$200.00		Mark payment as returned or refunded
STR-00-00-16-37		N/A		complete	2016-01-01	2017-06-30	2017-09-20 08:58pm	2017-09-20 02:55pm		\$201.62	90.00	\$200.00		Mark payment as returned or refunded
STR-00-00-16-10		A204		complete	2016-01-01	2017-06-30	2017-09-21 12:58am	2017-09-20 04:40pm		\$6382.01	\$97965.00	\$6377.61		Mark payment as returned or refunded



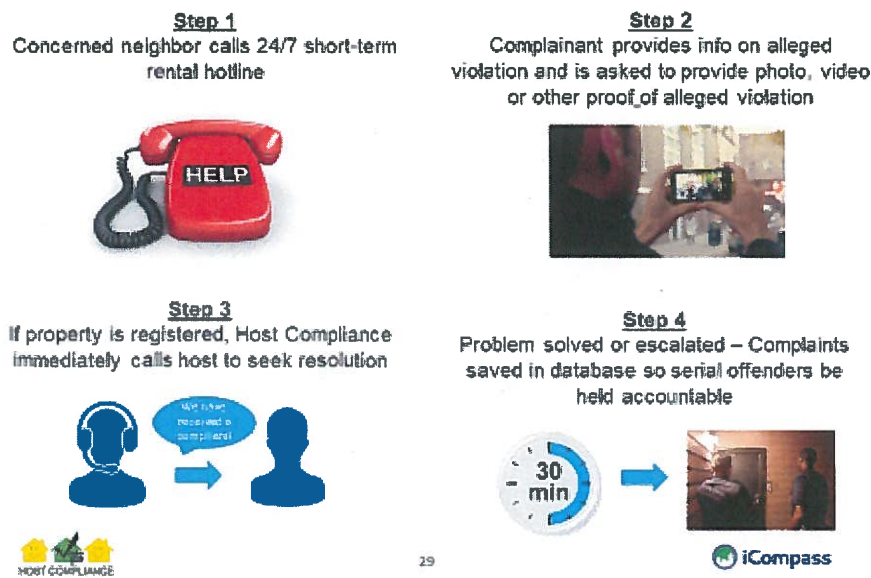


## 7/24 Short-Term Rental Hotline Services

For governments looking for ways to improve their ability to resolve short-term rental related neighbor concerns in real time, our 24/7 staffed telephone and email hotline is a cost-effective solution. With this service, we set up a hotline and website for neighbors to report non-emergency problems related to short-term rental properties to, while at the same time getting our local government partners the data they need to root out non-neighborly short-term rental hosts:

- Incidents can be reported by phone or online
- Full documentation of all reported incidents
- Digital recordings and written transcripts of all calls
- Ability for neighbors to include photos, video footage and audio recordings to document complaints
- Real-time outreach to owners of problem properties (whenever owner's contact info is known)
- Weekly staff reports containing:
  - The # and types of reported incidents
  - List of properties for which incidents have been reported
  - Custom reports and analysis of hotline related activities

### 24/7 STR Hotline: Make it easy for neighbors to report, prove and resolve non-emergency STR related problems in real-time





## SHORT-TERM RENTAL ORDINANCE CONSULTING SERVICES

Serving local governments with short-term rental compliance monitoring and enforcement solutions, Host Compliance has developed a deep understanding of what works and what doesn't when it comes to regulating short-term rentals. This deep expertise, experience and data-driven approach allows us to help local governments more quickly draft enforceable STR regulation based on their specific needs and circumstances as well as best-practices derived through the detailed study of more than 150 short-term rental ordinances/by-laws from across North America.

While each project is custom, the typical consulting project deliverables include:

Customized project timeline and work plan to meet each client's timing requirements and deadlines

- Quantitative report on the scale and scope of the short-term rental activity in the jurisdiction
- Background memo to the key decision makers on the context and regulatory best practices for addressing the various short-term rental related issues
- Custom public outreach strategy and messaging framing
- Participation in (or facilitation of) one public hearing to identify the client city/county's key issues and regulatory objectives as it relates to short-term rentals (hearing to be scheduled at a mutually convenient date/time)
- Post public hearing survey of key decision-makers to prioritize regulatory objectives
- Complete draft of a custom short-term rental ordinance developed based on national best-practices and each client's key issues and regulatory objectives
- Participation in (or facilitation of) one post-draft public hearing (hearing to be scheduled at a mutually convenient date/time)
- Enforcement focused planning work-session with the client's key stakeholders
- Draft compliance monitoring and enforcement plan for staff and legal counsel to refine and adopt

To learn more about our consulting services and whether they may be of help to your city/town/county, please contact us on [info@hostcompliance.com](mailto:info@hostcompliance.com).



## CUSTOM SHORT-TERM RENTAL DATA & ANALYTICS

Host Compliance's proprietary data can provide deep insights into the scale and scope of the short-term rental activity in any jurisdiction and its different areas, neighborhoods and blocks. Data is collected weekly and we currently collect, aggregate and de-duplicate all listing data, reviews, calendar info and photos across the 25 top short-term rental listing sites. We estimate this represents 99% of the total vacation rental universe in most jurisdictions.

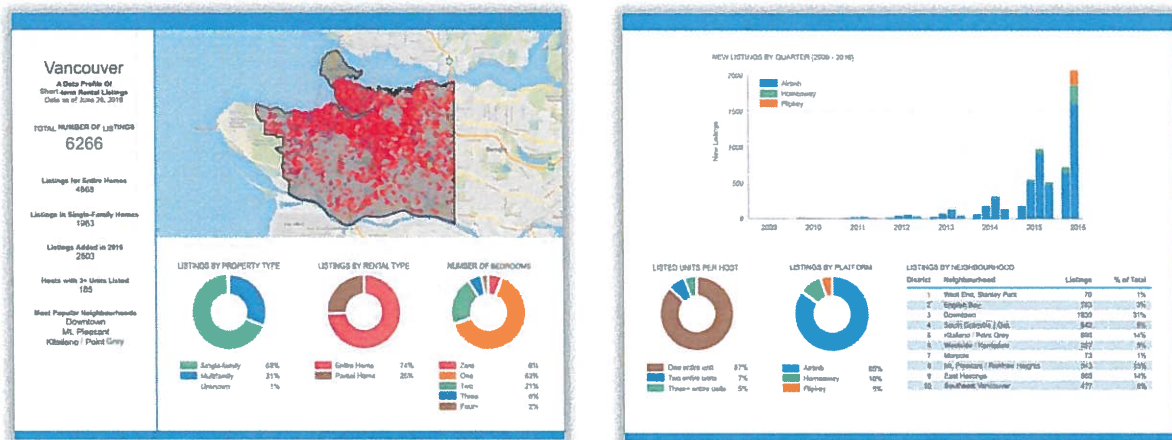
Data can be segmented and analyzed by a number of parameters including:

- Listing site
- location (as defined by a boundary box or polygon i.e. neighborhood)
- Property Type (Apartment, House, Condo etc.)
- Room Type (Entire home, Room etc.)
- # of Bedrooms and Bathrooms
- Minimum # of nights available for rent
- Host Name/ID
- # of Reviews
- First Review dates
- Last review date
- Date the property was first active
- ...and many other parameter

All data can be provided in whatever format you need including CSV, Excel, SPSS etc.

To order a custom analysis or learn more about our data and analytics capabilities, please contact us on [info@hostcompliance.com](mailto:info@hostcompliance.com).

Figure 5: Data & Analytics Screenshots 1 and 2 of 3





District 1

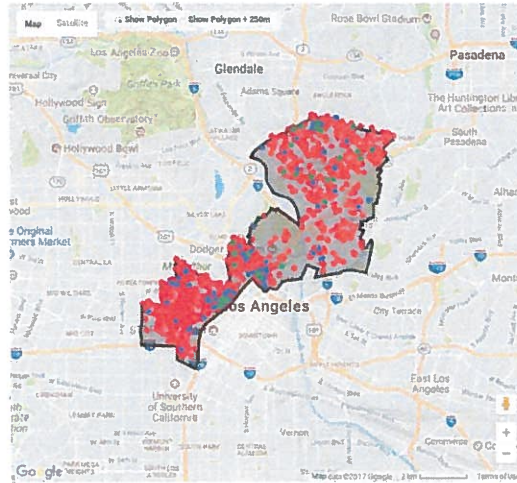
7

Figure 6: Data and Analytics Screenshot 3 of 3

**1860**  
Active listings  
in jurisdiction

**1852**  
Listings in  
jurisdiction that  
fit STR  
definition

**1852**  
Unique  
properties in  
jurisdiction that  
fit STR  
definition



Minimum Nights



- 1-7 nights [94%]
- 8-14 nights [1%]
- 15-21 nights [1%]
- 22-29 nights [0%]
- 30+ nights [0%]
- Not specified by Host [3%]

Listing types



- Single Family Listing [39%]
- Multi Family Listing [59%]
- Unknown [2%]



- Partial Home [0%]
- Entire Home [60%]
- Unknown [0%]

Nightly Rate



- \$0-\$50 [22%]
- \$50-\$100 [36%]
- \$100-\$200 [28%]
- \$200-\$400 [11%]
- \$400+ [3%]
- not provided [0%]

Bedrooms / Bathrooms



- 0 bedrooms [18%]
- 1 bedroom [43%]
- 2 bedrooms [29%]
- 3 bedrooms [8%]
- 4 bedrooms [2%]
- 5+ bedrooms [1%]
- unknown [0%]



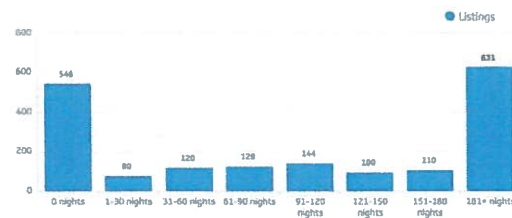
- 0 bathrooms [1%]
- 1 bathroom [59%]
- 2 bathrooms [26%]
- 3 bathrooms [2%]
- 4+ bathrooms [1%]
- unknown [0%]

Estimated Annual Revenue



- \$0k [29%]
- \$0k-\$5k [10%]
- \$5k-\$10k [18%]
- \$10k-\$25k [31%]
- \$25k-\$50k [11%]
- \$50k+ [1%]

Est. Annual Nights Rented



## **Vacation Rental Ad-hoc Committee Agenda Item Report**

Meeting Date: May 16, 2018

Submitted by: Sherri Marineau

Submitting Department: Community Development

Item Type: Discussion

Agenda Section: Options for Amending VRD Regulations (50 MINS)

---

**Subject:**

Bill Posner Email

**Suggested Action:**

**Attachments:**

[Bill Posner - VRDsourcePDF.pdf](#)





## About VRD Source

VRD source is a city run department, staffed with mostly volunteers who care about keeping the charm of our city..

All information you enter into this system is confidential and will not be used for any purpose other than what is documented on this site.

## Welcome to VRD Source

You may use this site to report an issue with a Vacation Rental, B&B and or homeshare, research information, check address.

**If this is a live threatening emergency call 9-1-1**

### Current VRD Rules

If you are unsure of the rules and guidelines for VRD dwellings Click here to review the current policies

### Check Address

Use this simple search form to see if a structure is part of the VRD system

### Report an issue

Clicking above will take you to a form to report an issue on with a VRD

### Apply for VRD license

This link will take you to an area to download the proper documents for apply for a VRD license in Newport Oregon.

\* INDICATES REQUIRED FIELD

NAME \*

EMAIL \*

WHAT IS THE NATURE OF YOUR REPORT \*

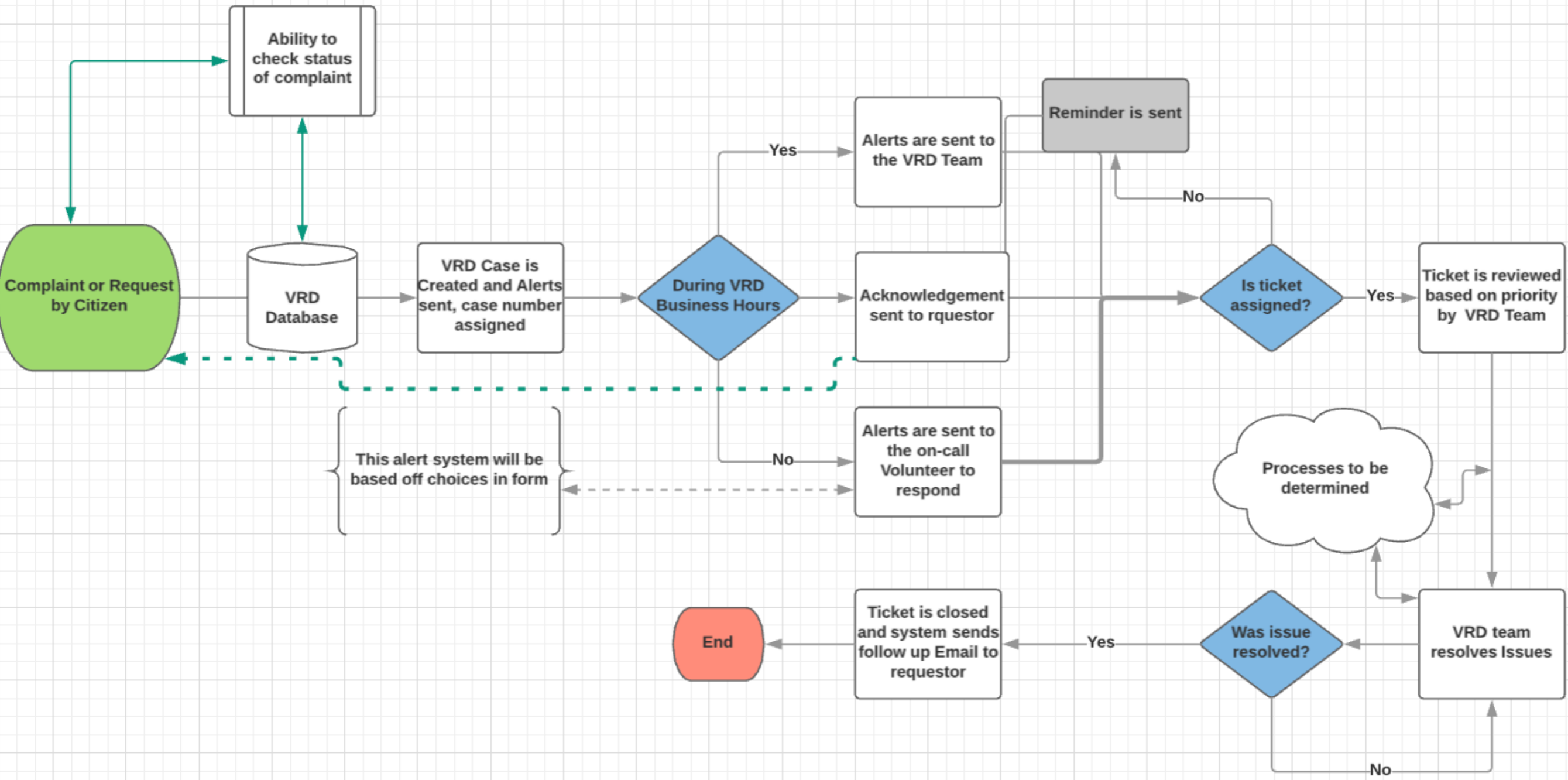
URGENCY \*

ADDRESS OF INCIDENT \* ?

HAVE YOU REPORTED THIS INCIDENT BEFORE? \*

- No
- Yes
- Not sure

DETAILS \* ?



## **Vacation Rental Ad-hoc Committee Agenda Item Report**

Meeting Date: May 16, 2018

Submitted by: Sherri Marineau

Submitting Department: Community Development

Item Type: Discussion

Agenda Section: Options for Amending VRD Regulations (50 MINS)

---

**Subject:**

Measure 49 Memo

**Suggested Action:**

**Attachments:**

[Measure 49.pdf](#)

# Memorandum

To: Vacation Rental Ad-Hoc Committee

From: Derrick Tokos, Community Development Director 

Date: May 11, 2018

Re: Overview of Measure 49


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Enclosed is a memo that I put together for the Planning Commission last fall, outlining the relevant provisions of Ballot Measure 49 so that they were aware of the law and could reflect upon how it might relate to the legislative work on the City's vacation rental land use regulations. It is equally germane to the work of this committee. The document was reviewed by City Attorney, Steve Rich, and he is planning to attend the May 14<sup>th</sup> committee meeting where this will be discussed.

## Attachments

Overview of Measure 49 memo, dated 9/20/17

# Memorandum

To: Planning Commission/Commission Advisory Committee  
 From: Derrick I. Tokos, AICP, Community Development Director   
 Date: September 20, 2017  
 Re: Overview of Measure 49 – Just Compensation for Land Use Regulations

---

At the close of the September 18, 2017 City Council hearing, I was asked by Councilor Allen to share with you the relevant provisions of Ballot Measure 49 so that you are aware of the law and can reflect on how it might relate to upcoming legislative work on city land use regulations related to Vacation Rental and Bed and Breakfast establishments.

Ballot Measure 49 was crafted by the Oregon Legislature and approved by voters in 2007 as a fix for Ballot Measure 37, a measure sponsored by Oregonians in Action. The law is codified under ORS 195.300 to 195.336. It sets out a process by which a property owner can seek financial compensation for land use regulations that have the effect of reducing the fair market value of their property.

Within urban areas, Measure 49 claims are only relevant to land use regulations that restrict the residential use of private real property. (ORS 195.305(1)). If a person wants to file a claim, they must have an appraisal prepared to demonstrate that a local land use regulation has reduced the value of their property. Such an appraisal assesses the value of a property one year before and one year after a land use regulation is enacted (ORS 195.310(2)). A person must file a claim within five years (ORS 195.312(5)).

If a claimant's appraisal shows that the land use regulation reduced the value of their property, the city must compensate the property owner or waive the offending land use regulation (ORS 195.310(5)). Any land use established as a result of a waiver is considered to be a non-conforming use (ORS 195.310(7)). Claimants that disagree with a decision by a local government may seek judicial review (ORS 195.318). For this work session I will be prepared to review the above provisions and other aspects of the law that the Commission members would like to discuss.

I am not aware of any Measure 49 claims being filed against the City of Newport, and like to think that this is at least in part attributable to how the City conducts its land use proceedings. People are more likely to accept an outcome that they disagree with, or that impacts them financially, if they feel that the legislative process that lead to the new rules was fair. This includes being able to clearly articulate the basis for a decision, and conducting hearings in such a way that people believe that they had an opportunity to be heard. As Planning Commission members you play a pivotal role in this process. Attached is an excerpt from the State of Oregon's Planning Commissioner Handbook that addresses the do's and don'ts of public decision making and I would like to take a few minutes at the work session to review and discuss these points as a group.

### Attachments

ORS 195.300 to 195.336  
 Chapter 6 "Effective Participation – Be Fair," Oregon Planning Commission Handbook (2015)

## JUST COMPENSATION FOR LAND USE REGULATION

**195.300 Definitions for ORS 195.300 to 195.336.** As used in this section and ORS 195.301 and 195.305 to 195.336 and sections 5 to 11, chapter 424, Oregon Laws 2007, and sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010:

- (1) "Acquisition date" means the date described in ORS 195.328.
- (2) "Claim" means a written demand for compensation filed under:
  - (a) ORS 195.305, as in effect immediately before December 6, 2007; or
  - (b) ORS 195.305 and 195.310 to 195.314, as in effect on and after December 6, 2007.
- (3) "Enacted" means enacted, adopted or amended.
- (4) "Fair market value" means the value of property as determined under ORS 195.332.
- (5) "Farming practice" has the meaning given that term in ORS 30.930.
- (6) "Federal law" means:
  - (a) A statute, regulation, order, decree or policy enacted by a federal entity or by a state entity acting under authority delegated by the federal government;
  - (b) A requirement contained in a plan or rule enacted by a compact entity; or
  - (c) A requirement contained in a permit issued by a federal or state agency pursuant to a federal statute or regulation.
- (7) "File" means to submit a document to a public entity.
- (8) "Forest practice" has the meaning given that term in ORS 527.620.
- (9) "Ground water restricted area" means an area designated as a critical ground water area or as a ground water limited area by the Water Resources Department or Water Resources Commission before December 6, 2007.
- (10) "High-value farmland" means:
  - (a) High-value farmland as described in ORS 215.710 that is land in an exclusive farm use zone or a mixed farm and forest zone, except that the dates specified in ORS 215.710 (2), (4) and (6) are December 6, 2007.
  - (b) Land west of U.S. Highway 101 that is composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in ORS 215.710 (1) and the following soils:
    - (A) Subclassification IIIw, specifically Ettersburg Silt Loam and Croftland Silty Clay Loam;
    - (B) Subclassification IIIe, specifically Klooqueth Silty Clay Loam and Winchuck Silt Loam; and
    - (C) Subclassification IVw, specifically Huffling Silty Clay Loam.
  - (c) Land that is in an exclusive farm use zone or a mixed farm and forest zone and that on June 28, 2007, is:
    - (A) Within the place of use for a permit, certificate or decree for the use of water for irrigation issued by the Water Resources Department;
    - (B) Within the boundaries of a district, as defined in ORS 540.505; or
    - (C) Within the boundaries of a diking district formed under ORS chapter 551.
    - (d) Land that contains not less than five acres planted in wine grapes.
    - (e) Land that is in an exclusive farm use zone and that is at an elevation between 200 and 1,000 feet above mean sea level, with an aspect between 67.5 and 292.5 degrees and a slope between zero and 15 percent, and that is located within:
      - (A) The Southern Oregon viticultural area as described in 27 C.F.R. 9.179;
      - (B) The Umpqua Valley viticultural area as described in 27 C.F.R. 9.89; or
      - (C) The Willamette Valley viticultural area as described in 27 C.F.R. 9.90.
    - (f) Land that is in an exclusive farm use zone and that is no more than 3,000 feet above mean sea level, with an aspect between 67.5 and 292.5 degrees and a slope between zero and 15 percent, and that is located within:
      - (A) The portion of the Columbia Gorge viticultural area as described in 27 C.F.R. 9.178 that is within the State of Oregon;

(B) The Rogue Valley viticultural area as described in 27 C.F.R. 9.132;

(C) The portion of the Columbia Valley viticultural area as described in 27 C.F.R. 9.74 that is within the State of Oregon;

(D) The portion of the Walla Walla Valley viticultural area as described in 27 C.F.R. 9.91 that is within the State of Oregon; or

(E) The portion of the Snake River Valley viticultural area as described in 27 C.F.R. 9.208 that is within the State of Oregon.

(11) “High-value forestland” means land:

(a) That is in a forest zone or a mixed farm and forest zone, that is located in western Oregon and composed predominantly of soils capable of producing more than 120 cubic feet per acre per year of wood fiber and that is capable of producing more than 5,000 cubic feet per year of commercial tree species; or

(b) That is in a forest zone or a mixed farm and forest zone, that is located in eastern Oregon and composed predominantly of soils capable of producing more than 85 cubic feet per acre per year of wood fiber and that is capable of producing more than 4,000 cubic feet per year of commercial tree species.

(12) “Home site approval” means approval of the subdivision or partition of property or approval of the establishment of a dwelling on property.

(13) “Just compensation” means:

(a) Relief under sections 5 to 11, chapter 424, Oregon Laws 2007, sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010, for land use regulations enacted on or before January 1, 2007; and

(b) Relief under ORS 195.310 to 195.314 for land use regulations enacted after January 1, 2007.

(14) “Land use regulation” means:

(a) A statute that establishes a minimum lot or parcel size;

(b) A provision in ORS 227.030 to 227.300, 227.350, 227.400, 227.450 or 227.500 or in ORS chapter 215 that restricts the residential use of private real property;

(c) A provision of a city comprehensive plan, zoning ordinance or land division ordinance that restricts the residential use of private real property zoned for residential use;

(d) A provision of a county comprehensive plan, zoning ordinance or land division ordinance that restricts the residential use of private real property;

(e) A provision, enacted or adopted on or after January 1, 2010, of:

(A) The Oregon Forest Practices Act;

(B) An administrative rule of the State Board of Forestry; or

(C) Any other law enacted, or rule adopted, solely for the purpose of regulating a forest practice;

(f) ORS 561.191, a provision of ORS 568.900 to 568.933 or an administrative rule of the State Department of Agriculture that implements ORS 561.191 or 568.900 to 568.933;

(g) An administrative rule or goal of the Land Conservation and Development Commission; or

(h) A provision of a Metro functional plan that restricts the residential use of private real property.

(15) “Lawfully established unit of land” has the meaning given that term in ORS 92.010.

(16) “Lot” has the meaning given that term in ORS 92.010.

(17) “Measure 37 permit” means a final decision by Metro, a city or a county to authorize the development, subdivision or partition or other use of property pursuant to a waiver.

(18) “Owner” means:

(a) The owner of fee title to the property as shown in the deed records of the county where the property is located;

(b) The purchaser under a land sale contract, if there is a recorded land sale contract in force for the property; or

(c) If the property is owned by the trustee of a revocable trust, the settlor of a revocable trust, except that when the trust becomes irrevocable only the trustee is the owner.

(19) “Parcel” has the meaning given that term in ORS 92.010.

(20) “Property” means the private real property described in a claim and contiguous private real property that is owned by the same owner, whether or not the contiguous property is described in another claim, and



that is not property owned by the federal government, an Indian tribe or a public body, as defined in ORS 192.410.

(21) “Protection of public health and safety” means a law, rule, ordinance, order, policy, permit or other governmental authorization that restricts a use of property in order to reduce the risk or consequence of fire, earthquake, landslide, flood, storm, pollution, disease, crime or other natural or human disaster or threat to persons or property including, but not limited to, building and fire codes, health and sanitation regulations, solid or hazardous waste regulations and pollution control regulations.

(22) “Public entity” means the state, Metro, a county or a city.

(23) “Urban growth boundary” has the meaning given that term in ORS 195.060.

(24) “Waive” or “waiver” means an action or decision of a public entity to modify, remove or not apply one or more land use regulations under ORS 195.305 to 195.336 and sections 5 to 11, chapter 424, Oregon Laws 2007, sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010, or ORS 195.305, as in effect immediately before December 6, 2007, to allow the owner to use property for a use permitted when the owner acquired the property.

(25) “Zoned for residential use” means zoning that has as its primary purpose single-family residential use. [2007 c.424 §2; 2009 c.464 §1]

**195.301 Legislative findings.** (1) The Legislative Assembly finds that:

(a) In some situations, land use regulations unfairly burden particular property owners.

(b) To address these situations, it is necessary to amend Oregon’s land use statutes to provide just compensation for unfair burdens caused by land use regulations.

(2) The purpose of ORS 195.305 to 195.336 and sections 5 to 11, chapter 424, Oregon Laws 2007, sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010, and the amendments to Ballot Measure 37 (2004) is to modify Ballot Measure 37 (2004) to ensure that Oregon law provides just compensation for unfair burdens while retaining Oregon’s protections for farm and forest uses and the state’s water resources. [2007 c.424 §3]

**195.305 Compensation for restriction of use of real property due to land use regulation.** (1) If a public entity enacts one or more land use regulations that restrict the residential use of private real property or a farming or forest practice and that reduce the fair market value of the property, then the owner of the property shall be entitled to just compensation from the public entity that enacted the land use regulation or regulations as provided in ORS 195.310 to 195.314.

(2) Just compensation under ORS 195.310 to 195.314 shall be based on the reduction in the fair market value of the property resulting from the land use regulation.

(3) Subsection (1) of this section shall not apply to land use regulations that were enacted prior to the claimant’s acquisition date or to land use regulations:

(a) That restrict or prohibit activities commonly and historically recognized as public nuisances under common law;

(b) That restrict or prohibit activities for the protection of public health and safety;

(c) To the extent the land use regulations are required to comply with federal law;

(d) That restrict or prohibit the use of a property for the purpose of selling pornography or performing nude dancing;

(e) That plan and rezone land to an industrial zoning classification for inclusion within an urban growth boundary; or

(f) That plan and rezone land within an urban growth boundary to an industrial zoning classification.

(4)(a) Subsection (3)(a) of this section shall be construed narrowly in favor of granting just compensation under this section. Nothing in subsection (3) of this section is intended to affect or alter rights provided by the Oregon or United States Constitution.

(b) Subsection (3)(b) of this section does not apply to any farming or forest practice regulation that is enacted after January 1, 2007, unless the primary purpose of the regulation is the protection of human health and safety.

(c) Subsection (3)(c) of this section does not apply to any farming or forest practice regulation that is enacted after January 1, 2007, unless the public entity enacting the regulation has no discretion under federal law to decline to enact the regulation.

(5) A public entity may adopt or apply procedures for the processing of claims under ORS 195.310 to 195.336.

(6) The public entity that enacted the land use regulation that gives rise to a claim under subsection (1) of this section shall provide just compensation as required under ORS 195.310 to 195.336.

(7) A decision by a public entity that an owner qualifies for just compensation under ORS 195.305 to 195.336 and sections 5 to 11, chapter 424, Oregon Laws 2007, sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010, and a decision by a public entity on the nature and extent of that compensation are not land use decisions.

(8) The remedies created by ORS 195.305 to 195.336 and sections 5 to 11, chapter 424, Oregon Laws 2007, sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010, are in addition to any other remedy under the Oregon or United States Constitution, and are not intended to modify or replace any constitutional remedy.

(9) If any portion or portions of this section are declared invalid by a court of competent jurisdiction, the remaining portions of this section shall remain in full force and effect. [Formerly 197.352; 2013 c.279 §1]

**195.308 Exception to requirement for compensation.** Notwithstanding the requirement to pay just compensation for certain land use regulations under ORS 195.305 (1), compensation is not due for the enforcement or enactment of a land use regulation established in ORS 30.930 to 30.947, 527.310 to 527.370, 561.995, 569.360 to 569.495, 570.010 to 570.050, 570.105 to 570.190, 570.305, 570.310, 570.320 to 570.360, 570.405, 570.412, 570.420, 570.425, 570.450, 570.700 to 570.710, 570.755, 570.770, 570.775, 570.780, 570.790, 570.800, 570.995, 596.095, 596.100, 596.105, 596.393, 596.990 or 596.995 or in administrative rules or statewide plans implementing these statutes. [2007 c.490 §1; 2009 c.98 §11; 2015 c.203 §27]

**Note:** 195.308 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 195 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**195.310 Claim for compensation; calculation of reduction in fair market value; highest and best use of restricted property; status of use authorized.** (1) A person may file a claim for just compensation under ORS 195.305 and 195.310 to 195.314 after June 28, 2007, if:

(a) The person is an owner of the property and all owners of the property have consented in writing to the filing of the claim;

(b) The person's desired use of the property is a residential use or a farming or forest practice;

(c) The person's desired use of the property is restricted by one or more land use regulations enacted after January 1, 2007; and

(d) The enactment of one or more land use regulations after January 1, 2007, other than land use regulations described in ORS 195.305 (3), has reduced the fair market value of the property.

(2) For purposes of subsection (1) of this section, except as provided in subsection (4) of this section, the reduction in the fair market value of the property caused by the enactment of one or more land use regulations that are the basis for the claim is equal to the decrease, if any, in the fair market value of the property from the date that is one year before the enactment of the land use regulation to the date that is one year after the enactment, plus interest. If the claim is based on the enactment of more than one land use regulation enacted on different dates, the reduction in the fair market value of the property caused by each regulation shall be determined separately and the values added together to calculate the total reduction in fair market value. Interest shall be computed under this subsection using the average interest rate for a one-year United States Government Treasury Bill on December 31 of each year of the period between the date the land use regulation was enacted and the date the claim was filed, compounded annually on January 1 of each year of the period. A claimant must provide an appraisal showing the fair market value of the property one year

before the enactment of the land use regulation and the fair market value of the property one year after the enactment. The actual and reasonable cost of preparing the claim, including the cost of the appraisal, not to exceed \$5,000, may be added to the calculation of the reduction in fair market value under this subsection. The appraisal must:

(a) Be prepared by a person certified under ORS chapter 674 or a person registered under ORS chapter 308;

(b) Comply with the Uniform Standards of Professional Appraisal Practice, as authorized by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989; and

(c) Unless the claim is based on the enactment of one or more land use regulations described in ORS 195.300 (14)(e), expressly determine the highest and best use of the property at the time the land use regulation was enacted.

(3) Unless the claim is based on the enactment of one or more land use regulations described in ORS 195.300 (14)(e), relief may not be granted under this section if the highest and best use of the property at the time the land use regulation was enacted was not the use that was restricted by the land use regulation.

(4) For a claim based on a land use regulation described in ORS 195.300 (14)(e), the reduction in fair market value:

(a) Is the reduction in fair market value of a lawfully established unit of land that is attributable to the land use regulation on the date the claim is filed.

(b) May, at the election of the owner who files the claim, be supported:

(A) In the manner described in subsection (2) of this section; or

(B) By appraisals showing the value of the land and harvestable timber, with and without application of the land use regulation, conducted in accordance with generally accepted forest industry practices for determining the value of timberland.

(5) If the claimant establishes that the requirements of subsection (1) of this section are satisfied and the land use regulation was enacted by Metro, a city or a county, the public entity must either:

(a) Compensate the claimant for the reduction in the fair market value of the property; or

(b) Authorize the claimant to use the property without application of the land use regulation to the extent necessary to offset the reduction in the fair market value of the property.

(6) If the claimant establishes that the requirements of subsection (1) of this section are satisfied and the land use regulation was enacted by state government, as defined in ORS 174.111, the state agency that is responsible for administering the statute, statewide land use planning goal or rule, or the Oregon Department of Administrative Services if there is no state agency responsible for administering the statute, goal or rule, must:

(a) Compensate the claimant for the reduction in the fair market value of the property; or

(b) Authorize the claimant to use the property without application of the land use regulation to the extent necessary to offset the reduction in the fair market value of the property.

(7) A use authorized by this section has the legal status of a lawful nonconforming use in the same manner as provided by ORS 215.130. The claimant may carry out a use authorized by a public entity under this section except that a public entity may waive only land use regulations that were enacted by the public entity. When a use authorized by this section is lawfully established, the use may be continued lawfully in the same manner as provided by ORS 215.130.

(8) For a claim based on a land use regulation described in ORS 195.300 (14)(e), an authorization granted to a claimant under subsection (5)(b) or (6)(b) of this section may be used by an owner of the property subsequent to the owner who filed the claim. [2007 c.424 §12; 2009 c.464 §2]

**195.312 Procedure for processing claims; fees.** (1) A person filing a claim under ORS 195.310 shall file the claim in the manner provided by this section. If the property for which the claim is filed has more than one owner, the claim must be signed by all the owners or the claim must include a signed statement of consent from each owner. Except as provided in subsection (2) of this section, only one claim for each property may be filed for each land use regulation.

(2) For a claim based on a land use regulation described in ORS 195.300 (14)(e), an owner:

(a) May file a claim only for property that is a lawfully established unit of land;

(b) May file separate claims for different lawfully established units of land at the same or different times based on the same land use regulation; and

(c) May not file multiple claims for the same lawfully established unit of land based on the same land use regulation.

(3) A claim filed under ORS 195.310 must be filed with the public entity that enacted the land use regulation that is the basis for the claim.

(4) Metro, cities, counties and the Department of Land Conservation and Development may impose a fee for the review of a claim filed under ORS 195.310 in an amount not to exceed the actual and reasonable cost of reviewing the claim.

(5) A person must file a claim under ORS 195.310 within five years after the date the land use regulation was enacted.

(6) A public entity that receives a claim filed under ORS 195.310 must issue a final determination on the claim within 180 days after the date the claim is complete, as described in subsection (10) of this section.

(7) If a claim under ORS 195.310 is filed with state government, as defined in ORS 174.111, the claim must be filed with the department. If the claim is filed with Metro, a city or a county, the claim must be filed with the chief administrative office of the public entity, or with an individual designated by ordinance, resolution or order of the public entity.

(8) A claim filed under ORS 195.310 must be in writing and must include:

(a) The name and address of each owner;

(b) The address, if any, and tax lot number, township, range and section of the property;

(c) Evidence of the acquisition date of the claimant, including the instrument conveying the property to the claimant and a report from a title company identifying the person in which title is vested and the claimant's acquisition date and describing exceptions and encumbrances to title that are of record;

(d) A citation to the land use regulation that the claimant believes is restricting the claimant's desired use of the property that is adequate to allow the public entity to identify the specific land use regulation that is the basis for the claim;

(e) A description of the specific use of the property that the claimant desires to carry out but cannot because of the land use regulation; and

(f) An appraisal of the property that complies with ORS 195.310 (2) or, for a claim based on a land use regulation described in ORS 195.300 (14)(e), an appraisal that complies with ORS 195.310 (4)(b).

(9) A claim filed under ORS 195.310 must include the fee, if any, imposed by the public entity with which the claim is filed pursuant to subsection (4) of this section.

(10) The public entity shall review a claim filed under ORS 195.310 to determine whether the claim complies with the requirements of ORS 195.310 to 195.314. If the claim is incomplete, the public entity shall notify the claimant in writing of the information or fee that is missing within 60 days after receiving the claim and allow the claimant to submit the missing information or fee. The claim is complete when the public entity receives any fee required by subsection (9) of this section and:

(a) The missing information;

(b) Part of the missing information and written notice from the claimant that the remainder of the missing information will not be provided; or

(c) Written notice from the claimant that none of the missing information will be provided.

(11) If a public entity does not notify a claimant within 60 days after a claim is filed under ORS 195.310 that information or the fee is missing from the claim, the claim is deemed complete when filed.

(12) A claim filed under ORS 195.310 is deemed withdrawn if the public entity gives notice to the claimant under subsection (10) of this section and the claimant does not comply with the requirements of subsection (10) of this section. [2007 c.424 §13; 2009 c.464 §3]

**195.314 Notice of claim; evidence and argument; record on review; final determination.** (1) A public entity that receives a complete claim as described in ORS 195.312 shall provide notice of the claim at least 30 days before a public hearing on the claim or, if there will not be a public hearing, at least 30 days before the deadline for submission of written comments, to:

(a) All owners identified in the claim;

- (b) All persons described in ORS 197.763 (2);
  - (c) The Department of Land Conservation and Development, unless the claim was filed with the department;
  - (d) Metro, if the property is located within the urban growth boundary of Metro;
  - (e) The county in which the property is located, unless the claim was filed with the county; and
  - (f) The city, if the property is located within the urban growth boundary or adopted urban planning area of the city.
- (2) The notice required under subsection (1) of this section must describe the claim and state:
- (a) Whether a public hearing will be held on the claim, the date, time and location of the hearing, if any, and the final date for submission of written evidence and arguments relating to the claim;
  - (b) That judicial review of the final determination of a public entity on the claim is limited to the written evidence and arguments submitted to the public entity; and
  - (c) That judicial review is available only for issues that are raised with sufficient specificity to afford the public entity an opportunity to respond.
- (3) Except as provided in subsection (4) of this section, written evidence and arguments in proceedings on the claim must be submitted to the public entity not later than:
- (a) The close of the final public hearing on the claim; or
  - (b) If a public hearing is not held, the date that is specified by the public entity in the notice required under subsection (1) of this section.
- (4) The claimant may request additional time to submit written evidence and arguments in response to testimony or submittals. The request must be made before the close of testimony or the deadline for submission of written evidence and arguments.
- (5) A public entity shall make the record on review of a claim, including any staff reports, available to the public before the close of the record as described in subsections (3) and (4) of this section.
- (6) A public entity shall mail a copy of the final determination to the claimant and to any person who submitted written evidence or arguments before the close of the record. The public entity shall forward to the county, and the county shall record, a memorandum of the final determination in the deed records of the county in which the property is located. [2007 c.424 §14]

**195.316 Notice of Measure 37 permit.** In addition to any other notice required by law, a county must give notice of a Measure 37 permit for property located entirely outside an urban growth boundary to:

- (1) The county assessor for the county in which the property is located;
- (2) A district or municipality that supplies water for domestic, municipal or irrigation uses and has a place of use or well located within one-half mile of the property; and
- (3) The Department of Land Conservation and Development, the State Department of Agriculture, the Water Resources Department and the State Forestry Department. [2007 c.424 §15]

**195.318 Judicial review.** (1) A person that is adversely affected by a final determination of a public entity under ORS 195.310 to 195.314 or sections 5 to 11, chapter 424, Oregon Laws 2007, sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010, may obtain judicial review of that determination under ORS 34.010 to 34.100, if the determination is made by Metro, a city or a county, or under ORS 183.484, if the determination is one of a state agency. Proceedings for review of a state agency determination under ORS 195.310 to 195.314 or sections 5 to 11, chapter 424, Oregon Laws 2007, sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010, must be commenced in the county in which the affected property is located. Upon motion of any party to the proceedings, the proceedings may be transferred to any other county with jurisdiction under ORS 183.484 in the manner provided by law for change of venue. A determination by a public entity under ORS 195.310 to 195.314 or sections 5 to 11, chapter 424, Oregon Laws 2007, sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010, is not a land use decision.

- (2) A person is adversely affected under subsection (1) of this section if the person:
  - (a) Is an owner of the property that is the subject of the final determination; or

(b) Is a person who timely submitted written evidence, arguments or comments to a public entity concerning the determination.

(3) Notwithstanding subsection (1) of this section, judicial review of a final determination under ORS 195.305 or 195.310 to 195.314 or sections 5 to 11, chapter 424, Oregon Laws 2007, sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010, is:

(a) Limited to the evidence in the record of the public entity at the time of its final determination.

(b) Available only for issues that are raised before the public entity with sufficient specificity to afford the public entity an opportunity to respond. [2007 c.424 §16]

**195.320 Ombudsman.** (1) The Governor shall appoint an individual to serve, at the pleasure of the Governor, as the Compensation and Conservation Ombudsman.

(2) The ombudsman must be an individual of recognized judgment, objectivity and integrity who is qualified by training and experience to:

(a) Analyze problems of land use planning, real property law and real property valuation; and

(b) Facilitate resolution of complex disputes. [2007 c.424 §17]

**195.322 Duties of ombudsman.** (1) For the purpose of helping to ensure that a claim is complete, as described in ORS 195.312, the Compensation and Conservation Ombudsman may review a proposed claim if the review is requested by a claimant that intends to file a claim under ORS 195.305 and 195.310 to 195.314.

(2) At the request of the claimant or the public entity reviewing a claim, the ombudsman may facilitate resolution of issues involving a claim under ORS 195.305 to 195.336 and sections 5 to 11, chapter 424, Oregon Laws 2007, sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010. [2007 c.424 §18]

**195.324 Effect of certain applications or petitions on right to relief.** (1) If an owner submits an application for a comprehensive plan or zoning amendment, or submits an application for an amendment to the Metro urban growth boundary, and Metro, a city or a county approves the amendment, the owner is not entitled to relief under ORS 195.305 to 195.336 and sections 5 to 11, chapter 424, Oregon Laws 2007, sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010, with respect to a land use regulation enacted before the date the application was filed.

(2) If an owner files a petition to initiate annexation to a city and the city or boundary commission approves the petition, the owner is not entitled to relief under ORS 195.305 to 195.336 and sections 5 to 11, chapter 424, Oregon Laws 2007, sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010, with respect to a land use regulation enacted before the date the petition was filed. [2007 c.424 §19]

**195.326 Qualification of appraisers; review of appraisals.** An appraiser certified under ORS 674.310 or a person registered under ORS chapter 308 may carry out the appraisals required by ORS 195.305 to 195.336 and sections 5 to 11, chapter 424, Oregon Laws 2007, sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010. The Department of Land Conservation and Development is authorized to retain persons to review the appraisals. [2007 c.424 §20]

**195.328 Acquisition date of claimant.** (1) Except as provided in this section, a claimant's acquisition date is the date the claimant became the owner of the property as shown in the deed records of the county in which the property is located. If there is more than one claimant for the same property under the same claim and the claimants have different acquisition dates, the acquisition date is the earliest of those dates.

(2) If the claimant is the surviving spouse of a person who was an owner of the property in fee title, the claimant's acquisition date is the date the claimant was married to the deceased spouse or the date the spouse acquired the property, whichever is later. A claimant or a surviving spouse may disclaim the relief provided under ORS 195.305 to 195.336 and sections 5 to 11, chapter 424, Oregon Laws 2007, sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010, by using the procedure provided in ORS 105.623 to 105.649.

(3) If a claimant conveyed the property to another person and reacquired the property, whether by foreclosure or otherwise, the claimant's acquisition date is:

(a) Unaffected by the conveyance if the claimant reacquired the property within 10 days after the conveyance; or

(b) The date the claimant reacquired ownership of the property if the claimant reacquired the property more than 10 days after the claimant conveyed the property.

(4) A default judgment entered after December 2, 2004, does not alter a claimant's acquisition date unless the claimant's acquisition date is after December 2, 2004. [2007 c.424 §21; 2011 c.612 §1]

**195.330 Filing date of documents.** For the purposes of ORS 195.305 to 195.336 and sections 5 to 11, chapter 424, Oregon Laws 2007, sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010, a document is filed on the date the document is received by the public entity. [2007 c.424 §21a]

**195.332 Fair market value of property.** For the purposes of ORS 195.305 to 195.336 and sections 5 to 11, chapter 424, Oregon Laws 2007, sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010, the fair market value of property is the amount of money, in cash, that the property would bring if the property was offered for sale by a person who desires to sell the property but is not obligated to sell the property, and if the property was bought by a person who was willing to buy the property but not obligated to buy the property. The fair market value is the actual value of property, with all of the property's adaptations to general and special purposes. The fair market value of property does not include any prospective value, speculative value or possible value based upon future expenditures and improvements. [2007 c.424 §21b]

**195.334 Effect of invalidity.** If any part of ORS 195.305 to 195.336 and sections 5 to 11, chapter 424, Oregon Laws 2007, sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010, is held to be unconstitutional or otherwise invalid, all remaining parts of ORS 195.305 to 195.336 and sections 5 to 11, chapter 424, Oregon Laws 2007, sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010, shall not be affected by the holding and shall remain in full force and effect. [2007 c.424 §21c]

**195.336 Compensation and Conservation Fund.** (1) The Compensation and Conservation Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned on moneys in the Compensation and Conservation Fund shall be credited to the fund. The fund consists of moneys received by the Department of Land Conservation and Development under ORS 195.305 to 195.336 and sections 5 to 11, chapter 424, Oregon Laws 2007, sections 2 to 9, 17 and 18, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010, and other moneys available to the department for the purpose described in subsection (2) of this section.

(2) Moneys in the fund are continuously appropriated to the department for the purpose of paying expenses incurred to review claims under ORS 195.305 to 195.336 and sections 5 to 11, chapter 424, Oregon Laws 2007, sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010, and for the purpose of paying the expenses of the Compensation and Conservation Ombudsman appointed under ORS 195.320. [2007 c.424 §22; 2009 c.855 §19]

**Note:** Section 11, chapter 424, Oregon Laws 2007, provides:

**Sec. 11.** (1) A subdivision or partition of property, or the establishment of a dwelling on property, authorized under sections 5 to 11, chapter 424, Oregon Laws 2007 [series became sections 5 to 11, chapter 424, Oregon Laws 2007, and sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010], must comply with all applicable standards governing the siting or development of the dwelling, lot or parcel including, but not limited to, the location, design, construction or size of the dwelling, lot or parcel. However, the standards must not be applied in a manner that has the effect of prohibiting the establishment of the dwelling, lot or parcel authorized under sections 5 to 11, chapter 424,



Oregon Laws 2007, unless the standards are reasonably necessary to avoid or abate a nuisance, to protect public health or safety or to carry out federal law.

(2) If the property described in a claim is bisected by an urban growth boundary, any new dwelling, lot or parcel established on the property pursuant to an order under section 6, chapter 424, Oregon Laws 2007, must be located on the portion of the property outside the urban growth boundary.

(3) Before beginning construction of any dwelling authorized under section 6 or 7, chapter 424, Oregon Laws 2007, the owner must comply with the requirements of ORS 215.293 if the property is in an exclusive farm use zone, a forest zone or a mixed farm and forest zone.

(4)(a) A city or county may approve the creation of a lot or parcel to contain a dwelling authorized under sections 5 to 11, chapter 424, Oregon Laws 2007. However, a new lot or parcel located in an exclusive farm use zone, a forest zone or a mixed farm and forest zone may not exceed:

(A) Two acres if the lot or parcel is located on high-value farmland, on high-value forestland or on land within a ground water restricted area; or

(B) Five acres if the lot or parcel is not located on high-value farmland, on high-value forestland or on land within a ground water restricted area.

(b) If the property is in an exclusive farm use zone, a forest zone or a mixed farm and forest zone, the new lots or parcels created must be clustered so as to maximize suitability of the remnant lot or parcel for farm or forest use.

(5) If an owner is authorized to subdivide or partition more than one property, or to establish dwellings on more than one property, under sections 5 to 11, chapter 424, Oregon Laws 2007, and the properties are in an exclusive farm use zone, a forest zone or a mixed farm and forest zone, the owner may cluster some or all of the dwellings, lots or parcels on one of the properties if that property is less suitable than the other properties for farm or forest use. If one of the properties is zoned for residential use, the owner may cluster some or all of the dwellings, lots or parcels that would have been located in an exclusive farm use zone, a forest zone or a mixed farm and forest zone on the property zoned for residential use.

(6) An owner is not eligible for more than 20 home site approvals under sections 5 to 11, chapter 424, Oregon Laws 2007, regardless of how many properties that person owns or how many claims that person has filed.

(7) An authorization to partition or subdivide the property, or to establish dwellings on the property, granted under section 6, 7 or 9, chapter 424, Oregon Laws 2007, runs with the property and may be either transferred with the property or encumbered by another person without affecting the authorization. There is no time limit on when an authorization granted under section 6, 7 or 9, chapter 424, Oregon Laws 2007, must be carried out, except that once the owner who obtained the authorization conveys the property to a person other than the owner's spouse or the trustee of a revocable trust in which the owner is the settlor, the subsequent owner of the property must create the lots or parcels and establish the dwellings authorized by a waiver under section 6, 7 or 9, chapter 424, Oregon Laws 2007, within 10 years of the conveyance. In addition:

(a) A lot or parcel lawfully created based on an authorization under section 6, 7 or 9, chapter 424, Oregon Laws 2007, remains a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law; and

(b) A dwelling or other residential use of the property based on an authorization under section 6, 7 or 9, chapter 424, Oregon Laws 2007, is a permitted use and may be established or continued by the claimant or a subsequent owner, except that once the claimant conveys the property to a person other than the claimant's spouse or the trustee of a revocable trust in which the claimant is the settlor, the subsequent owner must establish the dwellings or other residential use authorized under section 6, 7 or 9, chapter 424, Oregon Laws 2007, within 10 years of the conveyance.

(8) When relief has been claimed under sections 5 to 11, chapter 424, Oregon Laws 2007:

(a) Additional relief is not due; and

(b) An additional claim may not be filed, compensation is not due and a waiver may not be issued with regard to the property



under ORS 195.305 to 195.336 and sections 5 to 11, chapter 424, Oregon Laws 2007, or ORS 195.305 as in effect immediately before December 6, 2007, except with respect to a land use regulation enacted after January 1, 2007.

(9) A person that is eligible to be a holder as defined in ORS 271.715 may acquire the rights to carry out a use of land authorized under sections 5 to 11, chapter 424, Oregon Laws 2007, from a willing seller in the manner provided by ORS 271.715 to 271.795. Metro, cities and counties may enter into cooperative agreements under ORS chapter 195 to establish a system for the purchase and sale of severable development interests as described in ORS 94.531. A system established under this subsection may provide for the transfer of severable development interests between the jurisdictions of the public entities that are parties to the agreement for the purpose of allowing development to occur in a location that is different from the location in which the development interest arises.

(10) If a claimant is an individual, the entitlement to prosecute the claim under section 6, 7 or 9, chapter 424, Oregon Laws 2007, and an authorization to use the property provided by a waiver under section 6, 7 or 9, chapter 424, Oregon Laws 2007:

(a) Is not affected by the death of the claimant if the death occurs on or after December 6, 2007; and

(b) Passes to the person that acquires the property by devise or by operation of law. [2007 c.424 §11; 2009 c.855 §14]



# Oregon Planning Commissioner Handbook

APRIL 2015



Planners Training Team

## CHAPTER SIX

# Effective Participation - Be Fair

Other sections of this manual provide information on land use planning, legal requirements, public hearing procedures, etc. However, effective participation requires more, particularly in terms of how applicants, proponents, opponents, “interested citizens,” elected officials, and others view your work.

### *Golden Rule for Public Decision-Making: Be Fair*

Unpopular decisions will be more readily accepted when people see the process as fair – when people understand the basis of the decision and feel that they had an opportunity to be heard. How meetings are conducted, how you listen and what you say affects your credibility and your image of fairness.

## DOS AND DON'TS FOR CONDUCTING FAIR MEETINGS

### Do

- **Arrive early.** If the hearing is scheduled for 7:00 p.m., the hearing should start at 7:00 p.m. If you have to wait for one or two others to have quorum, you are being unfair to all the people who came on time.
- **Dress appropriately.** If the shirt and tie are typical apparel, showing up in a tired Mickey Mouse tee shirt does not create the impression of much respect for the people at the hearing.
- **Your homework.** It is unfair to the applicant and your community to act on issues without adequate preparation and you may make some terrible decisions.
- **Focus on issues, not personalities.** Discussion and decisions will be more rational if they are impersonal.
- **Treat everyone with courtesy and respect.** The nasty neighbor, the sneaky business competitor, or the rude gadfly may not deserve it, but they should be treated with the same respect as the community’s leading citizen, the best friend or your mother.

### Don't

- **Use body language that suggests boredom, anger, disbelief, etc.** The Mickey Mouse shirt wearer will not improve the impression he makes by burying his head in his hands while people are testifying.
- **Mingle with people in the audience before the meeting**

**or during a recess.** Others may assume something secret is taking place.

- **Assume the role of fairy godmother.** It is not your job to “save” people from making bad decisions or to take on the applicant’s burden of proof.
- **Let personal feelings dictate decisions.** How you feel about preserving wetlands or locating convenience stores in residential areas are not criteria for decisions unless ordinance standards say they are.

## TIPS FOR GOOD COMMUNICATION

Our communication is 55 percent body language – posture, expression, gestures, breathing – and 38 percent how we say it – tone, speed, volume. Only 7 percent of our communication is in the choice of words.

### Do

- **Be attentive.** Those presenting testimony probably have spent hours in preparation. The least you can do is listen and make them think you are as interested as you should be.
- **Actively listen.** Focus on what is said not on what you expect to hear or what reply you’ll make.
- **Paraphrase what was said to confirm what was meant.** If someone wants “more professional development,” does that mean design review standards or training for staff and planning commissioners?
- **Summarize what you have heard.** Comment on which facts are important to the decision and which are not.
- **Show respect for the chair.** Say Madam Chair, Mr. Chair, Chairman Brown or whatever. This sets an example for applicants and encourages orderliness.
- **Treat people equally.** Don’t use first names. If the first to testify is referred to as Mr. Jones, refer to the next as Mrs. Smith even if she’s Mary, your sister-in-law.
- **Avoid the appearance of prejudging before a public hearing is closed.** Saying “this project will increase traffic” implies a decision is made. Instead say approval of this project would increase traffic.

### Don't

- **Be trapped by “listening blocks.”** Be aware that most of us tune out comments we don’t want to hear or ideas from people we don’t like. Recognition of our personal listening blocks helps us hear in spite of them.
- **Make assumptions about what you hear.** Instead, ask open, rather than closed, questions. “Open” questions include words who, how, what, where, when and why and cannot be answered yes or no.
- **Interrupt a presentation except for essential and brief**

**questions.** People generally arrange their comments in a logical sequence and probably will get to your concern if you are patient.

- **Speak “Plannerese.”** Not everyone knows the meaning of UGB, LID, PUD, etc. The first time you use an acronym, be sure to explain what it means. (See Appendix for “Plannerese” and translations).

Try to answer technical questions, even if you know the answer. That’s the staff’s job; yours is to reflect community values and apply the plan and ordinances. When you give technical answers, you undermine the staff and diminish your real role.

Some of the above ideas may not fit your community or your planning commission, but we hope they alert you to thinking about how the public perceives how you work. You want to not only be fair, but be seen as fair, too.

## OREGON’S OPEN MEETING LAW

Oregon’s open meeting law (ORS 192.610–192.690) requires that decisions of any “governing body” be arrived at openly so that the public can be aware and informed of the body’s deliberations and decisions.

A governing body is one with two or more members that decides for or recommends to a public body. The law applies to the state, cities and counties, and advisory bodies to those jurisdictions. Not only must meetings of city councils and boards of county commissioners be “open” – the meetings of planning commissions, design review boards and other appointed boards or commissions with the authority to make decisions or recommendations are also subject to the requirements.

With a few exceptions, a meeting exists any time a quorum of the body’s membership is present. “Closed meetings” (or executive sessions) are allowed to discuss employment, discipline or labor relations but decisions on these issues must be made at a public (open) meeting. Planning commissions will rarely hold business in an executive session.

Notice of public meetings is required, and the notice must include the time and place and principle subject to be discussed. Notice should be timed to give “reasonable” advance notice to the public. For “emergency” or special meetings, the law calls for 24 hours advance notice.

### What’s required at the meeting?

Any public body must provide for the sound, video or digital recording or the taking of written minutes of all its meetings. Neither a full transcript nor a full recording of the meeting is required, but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes or recordings must

be available to the public within a reasonable time after the meeting, and shall include at least the following information:

- All members of the body present
- All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition
- The results of all votes and the vote of each member by name
- The substance of any discussion on any matter, and
- A reference to any document discussed at the meeting

Because a meeting is open to the public, it means that anyone can attend. But “open” does not mean that anyone has the right to speak. Planning commissions and governing bodies may hold work sessions and other meetings without allowing public comment.

### Site Visits

Oregon’s open meeting law exempts “site inspections” from the meeting requirements. That means that the planning commission or governing body could go as a group, as a quorum, to visit a site. However, site visits are considered ex parte contact and should be disclosed at the first public hearing.

A second consideration is the assumptions, which may be made by the public when they realize that a majority of the decision-making body visited the site without everyone else who might be interested in having an opportunity to be there. What did they see? What was discussed? What did they decide?

## RESOLVING LAND USE CONFLICTS

Land use issues can generate conflicts. We need to recognize issues that may produce conflicts, anticipate opportunities to deal with the problems and use techniques that encourage “win-win” solutions.

### Elements in Every Conflict

- **Issues.** The “what” of a dispute (e.g. the wetland impact of proposed development)
- **Positions.** The “how” – a specific proposal about how to solve the dispute (“This wetland permit cannot be issued”)
- **Interests.** The “why” – the expression of needs that drive a person’s behavior (Why do you want...? Why is that important?)

Only by identifying the interest(s) underlying the issues and positions and recognizing the different levels of importance each party gives to these interests can the disputing parties create mutually satisfying, durable solutions to conflicts.

Interests may be:

- **Procedural.** Do people feel they are being treated fairly?
- **Psychological.** Do people feel they are listened to and their ideas respected?
- **Substantive.** Do people feel they will benefit from the result?

The above are excerpts from Collaborative Approaches to Decision making and Conflict Resolution for Natural Resource and Land Use Issues, published by the Oregon Department of Land Conservation and Development, June 1996.

## POTENTIAL CONFLICTS IN LEGISLATIVE DECISIONS

Local jurisdictions generally set the schedule for legislative land use decisions. There is no 120-day rule. By identifying stakeholders, clearly presenting facts and alternatives, and really listening and responding to the ideas and suggestions from all of the interested parties, decisions will be made that people see as fair. Even when people disagree with the results, it's difficult to generate a conflict over a "fair" decision.

### Opportunities to Resolve Potential Conflicts in Quasi-Judicial Decision

A pre-application meeting with neighbors, required by some jurisdictions, allows the applicant to identify any special neighborhood concerns and lets neighbors (who may be potential opponents) become part of developing solutions before positions solidify.

The pre-application conference is the first opportunity for the city or county to identify potential issues. Staff and the applicant often can find alternatives that avoid problems in a manner that is far more comfortable than as part of a public hearing.

Staff review of application, before "deeming it complete" and thereby triggering the start of the review clock, may be able to identify the stakeholders who might object, and initiate a collaborative approach to resolving conflicts.

Staff recommendations in the staff report may trigger conflict. If issues can be resolved easily, solutions can be presented at the public hearing.

Prior to an appeal to LUBA, the various parties to a conflict may have the greatest interest in resolving problems and saving the time and dollars that result in going to court.

#### Let Space Set Tone: Six Truisms

1. **The more crowded the space, the more emotional the crowd!** Crowding people together can encourage the enthusiasm of a pep rally or the anger of a lynch mob. Vacant space creates calm and quiet. Select meeting place and space accordingly.
2. **The hotter the room, the hotter the audience.** Hot, stuffy rooms increase anger; cool rooms decrease it. Set the thermostat for the results you want.
3. **The more neutral the meeting site, the more neutral the crowd.** People who distrust government may become more distrustful when they step into city hall or the courthouse. Those who are suspicious of an individual become more so in that person's office or home. A neighborhood school can create a neighborly feeling.
4. **The more formal the seating arrangement, the more intimidated the participants.** A stage or raised platform separates "them" from "us." Everyone on the same level suggests equality. A speaker's rostrum suggests a shield for officials to hide behind, but also offers a prop for a nervous citizen.
5. **The bigger the desk, the more defensive the visitor.** The visitor sitting on the other side of an executive desk is less comfortable than one sitting across a clerk's desk. Even more comfortable is sitting at a conference table or side-by-side. And the person facing a window is at a disadvantage.
6. **The greater the distance between speaker and audience, the less the audience will participate, comment or question.** If you want participation, set up a minimum number of chairs, individually ask those in back to move up "so I'll be sure you can hear everything," and make your presentation from a spot 12 feet from the first occupied row. If you want little or no participation, do the opposite.

#### Techniques for a No-Conflict Style

- Lower your voice
- Speak more slowly
- Don't blame
- Paraphrase
- Don't challenge
- Use short sentences
- Pause between sentences
- Don't bait or be baited
- Play dodge ball- Mentally step aside
- Use deep breathing
- Don't answer non-questions, just acknowledge you heard
- Use "broken record" (I see. Yes, I understand, etc.)
- Disagree Diplomatically
- Find common ground before dealing with points of

disagreement

- Stick to the issue. Don't bring up minor details or past history
- Say what you mean in a simple straightforward manner
- Really listen to understand where the other person is coming from
- Be willing to change your mind if the other person's points are valid
- Look for compromise – the consensus both of you can live with

## MEDIATION

Mediation is an important alternative to adversarial conflict. One of the signs of a thriving community is the ability to “think outside the box.” Inside the box, people's positions can get stuck, making progress hard to define and harder to achieve.

For instance, two groups could take opposing positions regarding whether development should or should not occur at a site rich with wetlands – a site which is also critical to an overall development vision for the heart of town. If the atmosphere is right for “thinking out of the box”, then the parties will be willing to relax a bit about their positions and talk about their interests.

It turns out the wetland group is most interested in these wetlands as an educational opportunity for urban kids. Others had a position that the site ought to be commercially developed, but their underlying interest is to see the city grow in a way that builds community. To achieve that, both sides agree, eventually the city will have to invest in a new library and an up-to-date commercial area.

And the upshot is a library designed to integrate with the wetlands and provide a starting-off point for wetland tours. The commercial area will go where the library had originally been intended. This is not compromise. Neither “side” gave up its interests. But together they made their mutual world of opportunities greater, and they each got a lot of what they want – and maybe more than they ever dreamed.

Creating the right atmosphere – the mix of structure and skills to support the type of expansive negotiation – is what mediation is all about. Mediation is a tool that can be used equally well when writing a new, controversial ordinance, or for any complex policy decision, as well as for specific land use issues. Perhaps the most important thing that mediation does is to take the energy behind conflict and use it to build community, rather than to tear it down. That's really thinking outside the box!

## **Vacation Rental Ad-hoc Committee Agenda Item Report**

Meeting Date: May 16, 2018

Submitted by: Sherri Marineau

Submitting Department: Community Development

Item Type: Presentations

Agenda Section: Options for Amending VRD Regulations (50 MINS)

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**Subject:**

Map Alternatives

**Suggested Action:**

**Attachments:**

[Map Alternative 1.pdf](#)

[Map Alternative 2.pdf](#)

[Map Alternative 3.pdf](#)



## Legend

- Major Roads
- ▨ Prohibit VRDs
- ▨ Limit VRDs
- Vacation Rental Endorsement

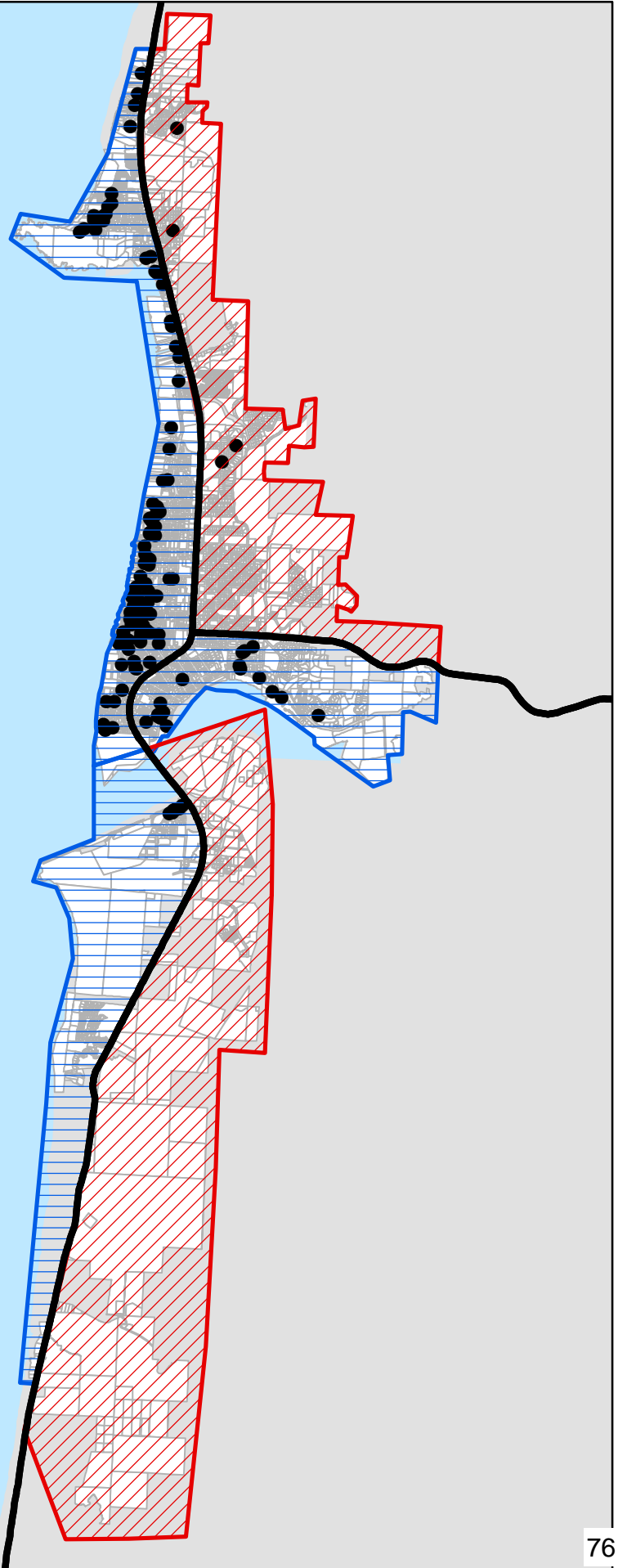
### Prohibited Zone

**4** Vacation Rental Endorsements  
**2,139** Address Points\*  
**2,009** Taxlots\*  
Approx. **1,950** Dwellings  
VRDs = **0.2%** of Taxlots  
VRDs = **~0.2%** of Dwellings

### Limited Zone

**183** Vacation Rental Endorsements  
**3,939** Address Points\*  
**5,051** Taxlots\*  
Approx. **3,550** Dwellings  
VRDs = **3.6%** of Taxlots  
VRDs = **~5.2%** of Dwellings

\*Numbers reflect all zones except Industrial, Water Dependent and Public (no housing)





## Legend

- Major Roads
- ▨ Prohibit VRDs
- ▨ Limit VRDs
- Vacation Rental Endorsement

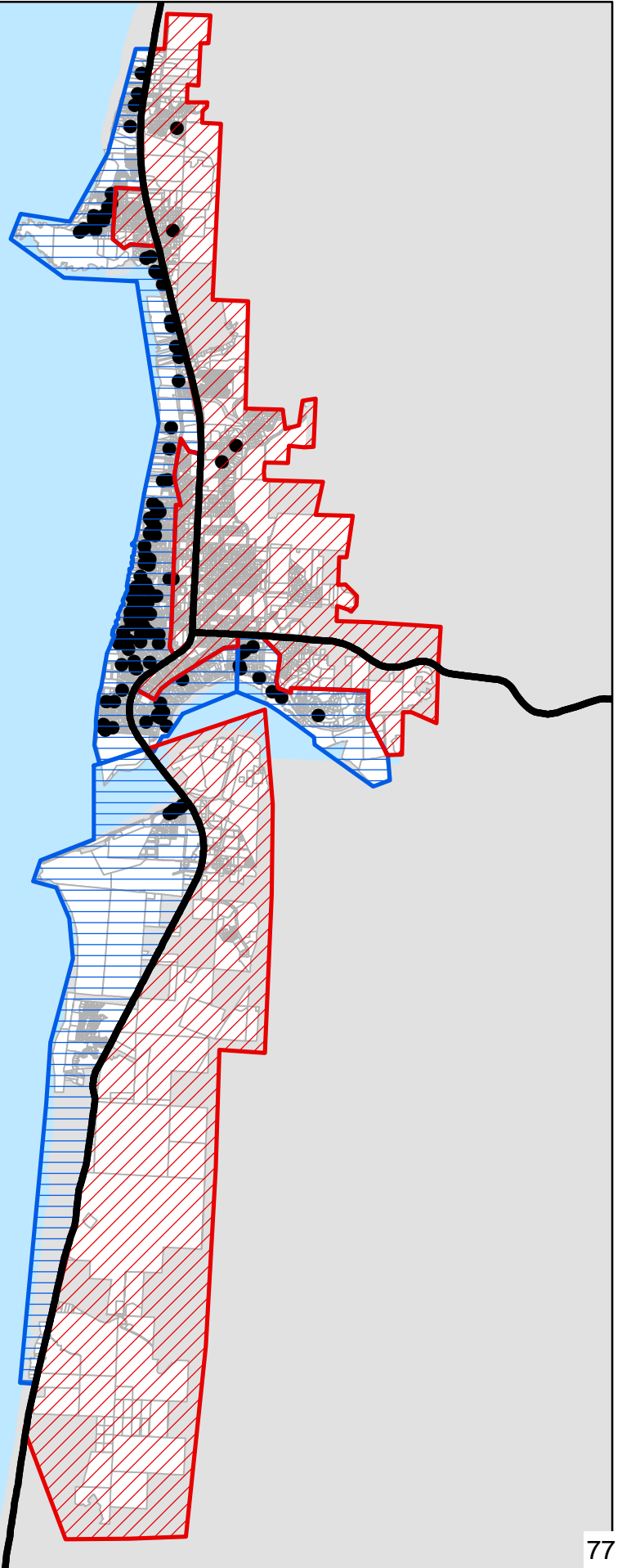
### Prohibited Zone

**4** Vacation Rental Endorsements  
**3,086** Address Points\*  
**3,119** Taxlots\*  
Approx. **2,700** Dwellings  
VRDs = **0.1%** of Taxlots  
VRDs = **~0.1%** of Dwellings

### Limited Zone

**183** Vacation Rental Endorsements  
**2,992** Address Points\*  
**3,953** Taxlots\*  
Approx. **2,800** Dwellings  
VRDs = **4.6%** of Taxlots  
VRDs = **~6.5%** of Dwellings

\*Numbers reflect all zones except Industrial, Water Dependent and Public (no housing)



## Legend

- Major Roads
- ▨ Prohibit VRDs
- ▨ Limit VRDs
- Vacation Rental Endorsement

### Prohibited Zone

**47** Vacation Rental Endorsements

**3,490** Address Points\*

**3,777** Taxlots\*

Approx. **3,450** Dwellings

VRDs = **1.2%** of Taxlots

VRDs = **~1.4%** of Dwellings

### Limited Zone

**140** Vacation Rental Endorsements

**2,575** Address Points\*

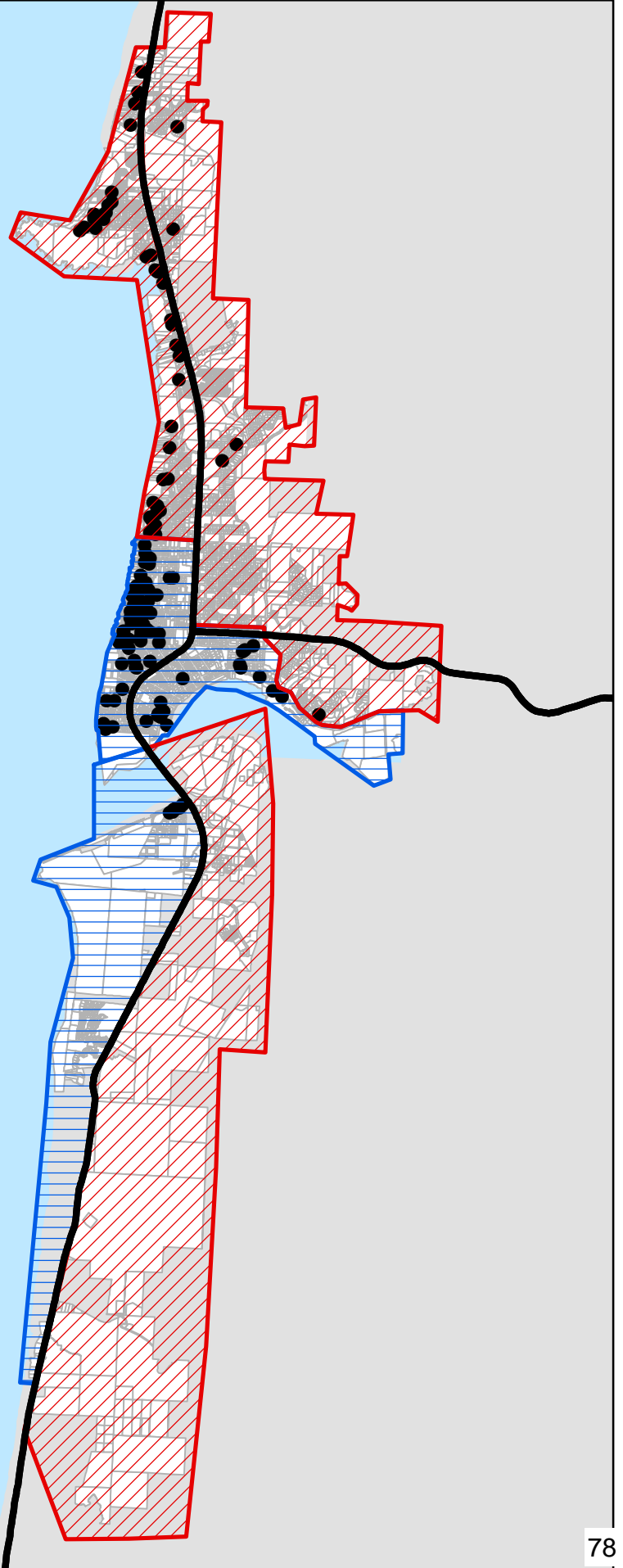
**3,263** Taxlots\*

Approx. **2,050** Dwellings

VRDs = **4.3%** of Taxlots

VRDs = **~6.8%** of Dwellings

\*Numbers reflect all zones except Industrial, Water Dependent and Public (no housing)



## **Vacation Rental Ad-hoc Committee Agenda Item Report**

Meeting Date: May 16, 2018

Submitted by: Sherri Marineau

Submitting Department: Community Development

Item Type: Discussion

Agenda Section: Policy Options for Code Amendments by Topic Areas (10 MIN)

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**Subject:**

Policy Options

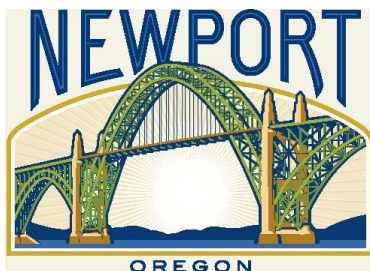
**Suggested Action:**

**Attachments:**

[Policy Options by Topic Area.pdf](#)

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May 16, 2018

## VACATION RENTAL AD-HOC COMMITTEE

### POLICY OPTIONS FOR CODE AMENDMENTS BY TOPIC AREAS

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**Rationale for Regulating** - Add language to the purpose section of the vacation rental code indicating that (a) regulations are intended to protect long term housing supply by limiting conversion of residential land to transient use and (b) acknowledge the need to weigh VRD limitations against the economic benefit of short term rentals.

**Definitions** – Definitions for “home share” and “owner” will provided and the five (5) guest room limit for a VRD (as opposed to a hotel or motel) will be listed as a development standard. The definition for “bed & breakfast” will be revisited to ensure there is a clear distinction between VRDs and B&B units.

**Safety** – The standards will be updated in line with the Building Official memo distributed at the 2/28/18 meeting. Responsibilities for common areas will be clarified and language will be prepared outlining the Fire Departments inspection responsibilities

**Off-Street Parking** – Off-street parking standard of one-space per bedroom to be retained. Applicants to be required to show that spaces are sized to meet City parking stall dimensional standards. Driveways for required off-street parking may extend into underdeveloped rights-of-way. In such cases, approvals will include a stipulation that the permit will be revisited if the street is improved such that the driveway is shortened. With respect to VRD proposals in “parking districts,” two options will be developed for circumstances where public parking is provided and relied upon to meet need. One will require VRDs to conform to the same rules that all other uses in the district are required to meet. It would be non-discretionary. The other will retain the conditional use process, which allows VRD requests in districts that rely on public parking to be addressed on a case by case basis, following a public hearing. Maps of the parking districts will be made available to the Committee with the draft code amendments.

**Landscaping** – No changes. Existing language requiring a fixed percentage of the lot area be retained in landscaping for VRDs in residential zones will be retained. The same goes for the conditional use option, as an alternative for those that cannot meet the landscaping standard.

**Waste Management** – The ability to require “valet service” will be added as an enforcement tool for properties waste management (or lack thereof) is a reoccurring issue. No changes proposed to existing provisions requiring weekly solid waste disposal service while the unit is occupied, and that receptacles be stored such that they are out of plain view from the street.

**Noise** – No changes. Decibel limitations contained in the City nuisance code are clear. Issue is enforcement.

**Signage** – Language will be prepared requiring VRD operators to post a sign in plain view of the street identifying the unit as a vacation rental with a phone number for the designated contact.

**Other Use Limitations** – Add language prohibiting use of VRDs for events.

**Overnight Occupancy** – Set overnight occupancy to two per bedroom, and drop the plus two allowance. Prepare optional language that would exempt small children. Define the term bedroom. A definition does not exist in the building code, but is provided in statute under the Residential Landlord and Tenant Laws. That definition reads: “Bedroom” means a habitable room that (a) is intended to be used primarily for sleeping purposes; (b) contains at least 70 square feet; and (c) is configured so as to take the need for a fire exit into account *ORS 90.262(4)(a)*. No restrictions to be imposed on use of surplus bedrooms in VRDs where maximum occupancy is less than the number of available bedrooms (typically due to lack of parking).

**Daily Occupancy** – Continue to rely upon fire code for maximum building occupancy.

**Residency Requirements** – Develop an alternative set of rules for persons who rent a room(s) in their primary dwelling (i.e. “homeshare”). Require the owner be residing at the home when it is rented. Committee to further discuss use allowances to be provided to homeshare arrangements.

**Approval Process** – Desire to see annual review of business licenses. Additional licensing details to be discussed at a future meeting.

**Lighting** – Desire to see standards put in place for situations where outdoor lighting is directed onto neighboring properties. Committee recognizes that this is not an issue specific to VRDs.

**Allowed Locations** – Three alternatives have been developed by the group. The first uses US 101 and US 20 as a boundary, with vacation rental dwellings being prohibited in areas north of US 20 and east of US 101. The second alternative is similar but picks up areas west of US 101 and south of US 20 that lack tourist amenities. The final alternative limits vacation rentals to areas that are close to the Nye Beach and Bayfront tourist commercial areas. All three alternatives will move forward as options.

**Density Limits** – Hard caps on the total number of licensed vacation rentals to be developed for all three map alternatives. Additional committee discussion needed on the specific thresholds. Proximity limits (i.e. spacing requirements) will also be developed for vacation rentals proposed in R-1 and R-2 zones.

**Tenancy/Ownership Limits** – No tenancy or ownership limits are proposed at this time.

**Home shares** – Alternative to be developed to allow home shares (i.e. where a dwelling is a person’s primary residence) and B&Bs to be exempt from the VRD location and density limits.

## **Upcoming Topics**

*Enforcement*

*Notice / Contact Information*

*Guest Registry*

*Approval Process*

*Effect on Existing Rentals*

*Room Taxes and Fees*

## **Vacation Rental Ad-hoc Committee Agenda Item Report**

Meeting Date: May 16, 2018

Submitted by: Sherri Marineau

Submitting Department: Community Development

Item Type: Discussion

Agenda Section: Review Committee Schedule (10 MINS)

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**Subject:**

Meeting Schedule

**Suggested Action:**

**Attachments:**

[Committee Schedule - 5.14.18 Draft.pdf](#)

# City of Newport – Vacation Rental Ad-Hoc Committee Schedule

<b>Meeting #1</b>	January 31, 2018
<ul style="list-style-type: none"> <li>• Committee Organization and Responsibilities</li> <li>• Future Meeting Schedule and Topics</li> <li>• History of VRD Regulations in Newport</li> </ul>	
<b>Meeting #2</b>	February 14, 2018
<ul style="list-style-type: none"> <li>• Review and Discuss VRD Best Management Practices</li> </ul>	
<b>Meeting #3</b>	February 28, 2018
<ul style="list-style-type: none"> <li>• Rationale for Regulating</li> <li>• Safety Requirements (Building Official / Fire Dept. Attended)</li> <li>• Definitions</li> </ul>	
<b>Meeting #4</b>	March 14, 2018
<ul style="list-style-type: none"> <li>• Off-Street Parking Requirements</li> </ul>	
<b>Meeting #5</b>	April 4, 2018
<ul style="list-style-type: none"> <li>• Continued Discussion Off-Street Parking</li> <li>• Landscaping / Waste Management / Noise / Signage</li> </ul>	
<b>Meeting #6</b>	April 18, 2018
<ul style="list-style-type: none"> <li>• Maximum Overnight/ Daily Occupancy / Residency Requirements</li> <li>• Locational Concerns – Mapping Exercise</li> </ul>	
<b>Meeting #7</b>	May 2, 2018
<ul style="list-style-type: none"> <li>• Locational Concerns Map (Rendered in GIS with Dwelling Unit Count and Zoning)</li> <li>• Allowed Locations / Density Limits / Tenancy Limitations</li> </ul>	
<b>Meeting #8</b>	May 16, 2018
<ul style="list-style-type: none"> <li>• Enforcement Overview (Police Department Staff to Attend)</li> <li>• Discuss Enforcement Policies / License Renewal and Expiration</li> <li>• Approval Process / Posting Requirements / Effect on Existing Rentals</li> </ul>	
<b>Meeting #9</b>	June 13, 2018
<ul style="list-style-type: none"> <li>• Continued Discussion Enforcement Policies</li> <li>• Room Tax &amp; Fees</li> <li>• Begin Review Draft Policy Alternatives</li> </ul>	
<b>Meeting #10</b>	June 27, 2018
<ul style="list-style-type: none"> <li>• Finalize Draft Policy Alternatives</li> </ul>	
<b>Outreach</b>	<i>Public Open Houses (July – August)</i>
<b>Meeting #11/12</b>	August - September
<ul style="list-style-type: none"> <li>• Reconvene to Review Feedback and Adjust Recommended Alternatives, as Needed</li> <li>• Recommendation to Planning Commission (Start of Formal Adoption Process)</li> </ul>	

\* All meetings to be held 1 – 3pm in Newport City Hall Council Chambers unless otherwise noted on agenda.

\*\* Mtg materials will be posted to the Committee webpage at: <http://newportoregon.gov/citygov/comm/vr.asp>