



VACATION RENTAL AD-HOC COMMITTEE AGENDA

Wednesday, June 13, 2018 - 1:00 PM

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

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.

MEETING #9

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 16, 2018 Minutes

[05-16-18 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 Alternative Maps

[Updated Alternative 1.pdf](#)

[Updated Alternative 2.pdf](#)

[Updated Alternative 3.pdf](#)

4.2 Email from Committee Member Hines

[Email_from_Committee_Member_Hines.pdf](#)

4.3 Email from Committee Member Dailey

[Email_from_Committee_Member_Dailey.pdf](#)

4.4 Updated list of VRDs by Zone

[Active VRDs by Zone-Updated 5-18-18.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 Eugene Experience with Host Compliance

[Eugene Experience with Host Compliance.pdf](#)

5.3 HB 4120 Room Tax

[HB 4120_Room_Tax.pdf](#)

5.4 Measure 49

[Measure 49.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 by Topic Area

[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 Committee Schedule

[Committee Schedule - 6.13.18 Draft.pdf](#)

7.2 CC Progress Report

[CC Progress Report WS 5-21-18_color.pdf](#)

[CC Progress Report WS 5-21-18_black_and_white.pdf](#)

8. PUBLIC COMMENTS (10 MIN)

8.1 Meeting Submittal from Rod Croteau

[Meeting_Submittal_Rod_Croteau_Why_prohibit_VRDs.pdf](#)

8.2 Meeting Submittal from Bob Berman

[Meeting_Submittal_Bob_Berman.pdf](#)

ADJORN

Next Meeting: June 27, 2018, 1-3pm, City Hall.

Vacation Rental Ad-hoc Committee Agenda Item Report

Meeting Date: June 13, 2018

Submitted by: Sherri Marineau

Submitting Department: Community Development

Item Type: Minutes

Agenda Section: Approval of Minutes (10 MIN)

Subject:

May 16, 2018 Minutes

Suggested Action:

Attachments:

[05-16-18 VRD Advisory Committee Minutes.pdf](#)

Draft MINUTES
City of Newport
Vacation Rental Ad-Hoc Committee Meeting #8
City Hall Council Chambers
Wednesday, May 16, 2018

AC Members Present: Carla Perry, Cheryl Connell, Norman Ferber, Jamie Michel, Margaret Dailey, Bill Posner, Bonnie Saxton, Don Andre, Charlotte Boxer, Lauri Hines, and Pam McElroy.

AC Members Absent: Martha Winsor and Braulio Escobar

Planning Commission Liaison Present: Jim Hanselman.

City Staff Present: Community Development Director (CDD), Derrick Tokos; Police Chief, Jason Malloy; Community Service Officer, Jovita Ballentine; Police Department Staff, Tony Garbarino; and Executive Assistant, Sherri Marineau.

Public Members Present: None Present.

1. **Call to Order.** The meeting was called to order at 1:00 p.m.
2. **Disclosures.** Tokos asked for conflicts of interest. Andre, Saxton, Ferber, Hines, and Michel disclosed they had potential conflicts of interest. Dailey, Hanselman, Perry, Connell, Posner, Boxer, and McElroy stated they had no conflicts.
3. **Approval of Minutes from the May 2, 2018 Meeting.**

MOTION was made by Dailey, seconded by Boxer to approve the May 2, 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. Connell asked to talk about the email Posner submitted in the previous meeting. Tokos said this would be addressed under committee requests. Tokos noted that he handed out an additional set of information from Host Compliance to the AC.
5. **Committee Requests.** Tokos covered the committee request documents that were shared with the AC. He noted that Excel spreadsheet of the licensed VRD had a problem loading in Excel and a correct version would be emailed to the AC. Perry noted that only three licensed VRDs on the list were received in 2018. Marineau would review this.

Posner reviewed the email he submitted at the last meeting. His idea was to have VRDs have a license for 10 years, then require them to slowly convert to long term rentals for an additional two years, then turn them back into not being rentals. Saxton said the VRD owners bought VRDs as second homes and to impose on them wouldn't work. Boxer didn't think this was legal. Posner didn't think it was illegal. Boxer didn't think you could convert from short to long term rentals. Dailey said you wouldn't say they could do, just say they get a five year license and then they wouldn't be licensed after the date. Boxer said requiring them to convert to a long-term rental wasn't legal. Connell said ordinances say what they can and can't do with properties and was different in terms of Measure 49. Tokos said to keep in mind there were different tools jurisdictions were using and the AC needed to be careful of how a five year limit affected caps. Boxer said in Lincoln City there was a 10 percent cap on Roads End and a seven year grandfathering in. Tokos said they were over the cap and why they were redoing it. He suggested capturing this discussion and moving forward. Posner was okay with this.

Hanselman said he strongly disagreed with calculations used with the Alternative 3 map. He said he didn't have a problem everything east of Highway 101 and prohibiting anything there was not necessary because it wasn't a highly sought after area for VRDs. The Alternative 3 group tried to take a look at specific properties west of Highway 101 and north of 16th or 20th Streets. He said to include all houses east of Highway 101 as a part of the percentage ignored the fact that the zone wasn't focused on and an impacted area. To include this with the un-impacted area was misleading. Hanselman asked when doing calculations for Alternative 3 prohibitive, only count west of Highway 101 and north of 16th Street would be the truer representation. He asked to count the tax lots west of Highway 101 and north of 16th/20th Street demarcation. Tokos said he could get the AC these numbers. He noted that there had been specific testimony against VRDs behind Fred Meyers was a problem. He said these units were a problem and was brought up to the City Council by numerous people. Hanselman said he reiterated that there were few in that area and minimal VRDs on the east side. Andre said if they decided to do a City wide policy, they needed to have different set of numbers. Hanselman thought the AC should look at the problem areas and see where the density is the highest. Boxer suggested getting statistics for the density for both the west and east sides. Hanselman said he was concerned about the prohibitive areas on Alternative 3 and was where there were problems with

density numbers. He said density didn't work unless they looked at the high concentrations areas. Boxer said Alternative 3 would push more vacation rentals to the south of this area. Hanselman said they didn't know that for sure and he didn't think VRDs on the east should be added to the impacted area density.

Saxton asked if there was data on VRD complaints. Tokos said there was limited data and most of what was brought up at the meetings was frustration and how neighborhoods were changing over time, not specific events. Hanselman noted that he made three formal complaints that weren't recorded. Tokos said he could get him the numbers. He believed the way they grouped out for the Alternative 3 map was done through a discussion about forecasting forward what the number of guaranteed dwelling units that would be available for people living and working in the community. They were also looking at what was the VRDs that would land in these prohibitive areas. He didn't agree that it was misleading.

6. **Options for Amending VRD regulations.** Tokos introduced Ballentine and Garbarino. Garbarino explained what they did as enforcement officers. He said VRD complaints were minimal and most of the complaints for them had been about parking. They encouraged owners to call them when problems were happening. Garbarino said Palm Springs had the best VRD policies in place and said the AC should review their model. He said what they were after was compliance.

Connell asked how someone would contact the enforcement officers to report. Garbarino said calling 265-4231 and dispatch would make a call out to them. He said they needed to know as things were happening instead of after the fact. Connell asked if the 4231 number went to dispatch and then the dispatcher would get to the enforcement officers immediately. Garbarino said they prioritized calls and as they cleared their calls they dealt with the complaints. It went from the caller to the call taker in the valley, they then put the complaint in a computer, it then went to the dispatcher, they would tell the officer on the street to look at it, then the officer would decide when to go to the issue. Malloy said response would also depend on the call load and officers may not respond to all complaints with the notice going to the community service officer on the next available day. He said some of the problems they had was responding after the fact and officers who didn't know if the property was a VRD and they didn't have the time or resources to figure out if they were VRDs. They were lacking on a central depository, how they responded to complaints, and what the specific number on complaints when they would take an enforcement act to suspend a VRD license. He said the current ordinances were weak and had empty threats. Connell was concerned to find out that the calls weren't going directly to the Community Service Officer. She felt this put an issue on how timely issues were being dealt with. Malloy said all complaints went through the same channel and an officer had to decide what to respond to on an as need basis. He noted the noise complaints would be responded to more quickly. The PD struggled to get the information to the Planning Department because the officers didn't know if the units were VRDs. Malloy thought there were a lot of ideas on how to fix this and he liked Palm Spring's ordinances. He said the PD needed teeth instead of empty threats.

McElroy asked if the 265-4231 was the non-emergency line. Malloy said yes and was answered at a call center in the Willamette Valley. Hanselman asked if this had been the procedure since the VRD change in 2012. Malloy said yes. Hanselman said when he made his complaints, he was told by the police and property management that he had no standing on continued trespassing of renters cutting through a property. He said if there is a complaint driven system, then anyone should be able to complain. Ballentine asked if he was making a complaint for a neighbor. Hanselman said yes. Malloy said when someone didn't like how the dispatch service was responding, they should call the Newport Police office and they would check into it. He reminded the AC that everything was recorded, so there were no secrets and they couldn't undo anything.

Perry said since the first step to report issues was through the property management, was there a way to track these complaints back to the City and asked what Malloy's suggestions were on this. Tokos said this would be discussed when they talked about Host Compliance. There was no formal way to share information between the Police Department and the Community Development Department. Dailey said most of the problems happened on weekends and asked how many officers were on shift at that time. Malloy said three to five. He said they didn't have control on when the message was being delivered to the officer because it was based on dispatch to get the information to the officer. He said Ballentine did a lot of code compliance. They didn't have the staff to do the VRD enforcement and the VRD enforcement was a very small thing for the PD. Malloy said they put in a request for VRD compliance funds and it didn't make the initial budget but the City Council would make the final decision.

Tokos started his PowerPoint presentation and covered enforcement issues and observations. He said taking away endorsements was a tool but not an end all be all. Michel asked what rights the City had when VRDs were operating without a business license. Tokos said an initial letter would be sent to the owner that identified that they had no license and would have a fixed time to come in to apply. He said this was not punitive. If they didn't respond, then the City would issue a citation and get a court summons with a fine of \$500 a day as violations continued, which would be up to the judge. Malloy said the City was limited there and couldn't lock up the doors to the VRDs. Michel asked if citations were unpaid would they become liens. Malloy said that eventually they could do a lien but it was very far down the road. Tokos said a significant amount of people took the fine seriously and took care of things. Perry said she wanted to see an actual street address instead

of a PO Box so there was a physical address to reference. Michel suggested they supply a physical address but have the PO Box for mailing. Malloy said Palm Springs said there had to be a local contact to respond. Michel said her property management company wanted their 800 number listed, but they would respond within 30 minutes. Andre said there was confusion on what it means to be operating a VRD. He thought it was an evolving industry and as rentals became popular, there would be a learning curve for owners. Andre said whatever the AC decided, there needed to be an intelligent solution based policy that acknowledged the suffering of neighbor.

Saxton asked what happened when someone reported an illegal VRD, does the City disclose who called. Garbarino said they didn't disclose. Tokos asked if the group thought a 30 minute response time was good and reasonable, and should be set as an expectation. The AC agreed. Boxer thought there needed to be a local response number. Tokos said there would be one number that went to Host Compliance and they would contact the number and would go on a centralized complaint log. Saxton asked why a VRD needed a sign posted with one number. She was concerned that it opened up the VRD to vandalism. Michel said in all other jurisdictions, they required VRDs to post information. McElroy asked if there had been break-ins. Michel said there would always be break-ins and information was all over the internet on what units were VRDs. She thought being able to see the contact information helped the neighbors be able to deal with issues. It was important to get calls as they were happening to be able to do something about complaints. Michel felt there was value for posting signs with information, and a central website was important to keep the frustrations down. Ferber asked if this would be helpful to the PD. Malloy said one of their requests was that VRDs were clearly identified by a unique number. He noted that technology made it very easy to do break-ins. Hines reported that the addresses for the VRDs weren't revealed to the renters until they were rented. Malloy said they had taken time with staff to look at rentals in the Newport area and were able to figure out where the house was without the address and it was not hard to figure out where they were located. Michel said a requirement to have the management company and local numbers posted would help the PD. She noted that she posted this information on the street as well as front door for her rentals. Connell said in terms of local response, she wanted to make sure there really was someone physically in the area to respond by phone or go out to the unit. Tokos thought there needed to be someone to respond within 30 minutes.

Tokos asked the AC if it was beneficial to have a cooling off period for those VRDs with chronic compliance issues they would have their license revoked and would say they couldn't reapply within at least 24 months. Dailey said the City needed to be more forcible after a period of time and at some point they had to say these owners would be prosecuted. Andre said there needed to be clear mechanism for people to comply and get back into the game. He wasn't opposed to a three strikes you're out process. Boxer asked how many times chronic owners had lost their license. Tokos said even when they were chronic, the City might still be dealing with them as an unlicensed VRD. Malloy said the City needed to be clear on revocation. If it was taken away, a 24 month cooling off would be good way to wait to reapply and the City could then look at why they were revoked. He thought there should be no guarantee they would get a license after 24 months. Andre said it was an opportunity for chronic VRDs to go through a process. Michel said it could be the property management that wasn't responding and thought perhaps a shift in management could be a fix. Tokos noted that these rules worked in conjunction with other rules. If there was a cap and we reached the cap, they would be looking at not being about to reestablishing licenses that were revoked because they would go on a waiting list. This would be a bigger deal when they realized they couldn't get back into a license. Ferber asked if a clear set of rules for revocation was established, didn't Measure 49 play in to it. Tokos said not so much and the jurisdiction needed to show what violations to the rules led to the revocation of the license. He thought the City would be on solid footing if there was a series of documented violations that led to the revocation. Michel said in terms of caps then a cooling off period might be out of the questions. Connell said owners could have an opportunity after the cooling off period to get on the waiting list to reestablish.

Dailey said the owners needed to be held accountable but there needed to be a mechanism to deal with poor property managers. Posner said it was the owner's responsibility to have good management. Dailey thought it could be either one and wasn't sure they should allow the bad property manager should be allowed to continue. Tokos said when it came to enforcement, the City had to enforce the owner. Perry asked if they could add in the application process a question to ask if a prior license was revoked. Tokos said you could do this but they would need to ask what the relevance was to ask for this information in order to get a VRD license or not because it was a non-discretionary approval process. Perry said it triggered the person who was processing the application that there had been a revocation and a cooling off period. Tokos said it should have a record if revoked and would be flagged in a database with past issues logged in the system that were tied to the address. Hines asked if someone lost their license and sold the property and there was a new owner, could the new owner get a license. Tokos said in the context of the cap, a transfer of active licenses to new owners would be essential. There would be a certain amount of time for the new owner to come in to assume the license. Boxer asked how the City would get under cap in that case. Tokos said people who established VRDs have a desire to sell with the VRD rights. There would always be people who would drop their VRD licenses and others who would want to sell. Perry wasn't aware this was a decision that had been made. Tokos said it was a discussion item. Boxer asked if she could file a Measure 49 because she was surrounded by VRDs and her property value dropped. Tokos said she would have to get hire an appraiser. Boxer noted that Cannon Beach listed VRD violations and reviewed what happened with each violation. Tokos said it wasn't all that different than what was in the City's books now. Boxer didn't think that what the City had currently was as clearly

written as Cannon Beach. She thought there needed to be a way for licenses to go away. Tokos said if the AC decided to set caps there needed to be some automatic expiration language for licenses to go away. Boxer said this was why some cities sent a limit on how many licenses an person could own. Tokos said they could say if you weren't using the license in a certain period of time, it went away. Michel said this was why she was interested in transient room taxes and thought a person needed to file a certain amount of transient taxes to prove that the VRD was active. Hines noted that Airbnb submitted transient tax payments without knowing which property the amounts were from. Tokos said this would be changed with the new contract with Airbnb. Hanselman wanted it noted that he had suggested earlier in the meeting that none of his complaints had been logged. He said that McElroy found one of them and wanted to apologize.

Michel asked what ideas Malloy had about helping the PD with enforcement. Malloy said being able to identify that a unit was a VRD was important. He said they needed teeth to be able to do enforcement and to define what things were a violation. They then needed to know what VRDs needed to do to be in compliance. Connell asked Malloy to walk through how the complaint system worked to know what the PD needed. Malloy said if there was a criminal event a sworn officer would be dispatched. He said that something that needed follow up would be followed up on by Ballentine and would work with the property owners for compliance. Connell asked if the complaint was first done by sworn officers, would they then be followed up by Ballentine. Malloy said typically, unless Jovita was working and she would be initially dispatched.

Tokos reviewed the License renewals and asked the AC if there was a desire for an annual renewal of licenses. Dailey thought there should be a review of their insurance. Hines asked what kind of resources this would take. Tokos said it would be an attachment that would be required with the renewal every year. Michel asked if the Fire Department was doing inspections every year or two. Tokos said they weren't sure and would want to provide the Fire Department the flexibility to structure this based on available resources. Dailey said you would want to have something so that is there was a building code complaint there would be a process to have follow up with an official. Michel asked if the City could be involved in this. Tokos said on the building side the City checked things on the initial inspection, but not on an annual inspection. Tokos said they wanted people to be as safe in VRDs as they would in hotels.

Tokos asked if there were any concerns about bringing language about automated expirations provisions in terms of if there was a cap and the VRD wasn't being used in a certain amount of time, the license would go away. Ferber thought if someone wanted to buy a property for a VRD and it held the license it had value. Connell said the other side to this was that if they weren't using the license it meant the City wasn't benefiting for room taxes. Ferber said the argument was that they would lose the possibility because of not using the license was counterintuitive. Tokos said anyone who went through the effort to pull a license intended to use the unit as a VRD. If they bought licenses up to save on properties, there were others who couldn't have a VRD and they shouldn't be able to sit on a license. Ferber asked how long this would be. Tokos said he would give some options. Connell said second homes that like to take in little funds for VRDs needed to be kept in mind. Boxer said for the Hood River ordinances, R-1, R-2 & R-3 zones only allowed rentals up to 90 days to get some relief. She said the AC hadn't talk about this and it seemed like other jurisdictions had greater restrictions. Tokos said most didn't have hard caps. Boxer asked how would they get under the hard caps if the licenses went with the property. Dailey said there were people who thought it was a great way to earn money. Boxer disagreed since the ordinances had been put into place for this. Tokos said there needed to be a talk about cap and tenancy limits. The AC could discuss if caps should be above or below current numbers. Boxer wanted proximity limits discussed as well. Tokos said he would be add language for proximity. McElroy asked if the license didn't go when property when it was sold currently. Tokos said yes.

Tokos reviewed the Host Compliance handout and the services they provided for VRD compliance. They had clients in Eugene and Hood River. Tokos said he would be talking to these jurisdictions about Host Compliance. He noted that they had identified 244 listings in Newport. Some of the units were outside of Newport and they suggested Newport was around 85 percent compliance. They gave an overview of the services tailored to Newport's timeline. Tokos thought the AC should show them the current ordinance to see if there were any issues.

Perry asked how people who didn't have smart phones could utilize the service. Tokos said there would still be a way to do applications over the counter that would be uploaded to the system. Host Compliance had staff who could find out who was listing on sites. Tokos said the Finance Department would upload a room tax list and they would give a red flag of the units who didn't match up and were renting without a license. Andre asked how they would know if the units were blocked out for relatives or maintenance. Tokos said the point was that they were doing the monitoring that we couldn't do. He said the cost to use Host Compliance would be about around \$30,000 a year to leverage it. Tokos noted they could do the first round of warning letters, but not enforcement. Andre asked what the follow up would be. Tokos said they didn't talk that far into the discussion but would it would be part of the process. He thought the City could possibly pay for the cost through annual licensing fees. The City would still be responsible for enforcement. Posner asked if they could cross reference owners in different cities. Tokos said they hadn't talk about this. Perry asked if the City had copies into the system, did it go into their database even though not entered into the cloud. Tokos said the only way it would work would be a set of data that the City would upload. He said we could see how it affected our enforcement and then make adjustments. Perry asked what would happen with the owners who didn't advertise online. Tokos said he would talk to them about this.

7. **Public Comment/Questions.** None present.
8. **Adjournment.** The meeting adjourned at 3:01 p.m.

Respectfully submitted,

Sherri Marineau
Executive Assistant

Vacation Rental Ad-hoc Committee Agenda Item Report

Meeting Date: June 13, 2018

Submitted by: Sherri Marineau

Submitting Department: Community Development

Item Type: Discussion

Agenda Section: Committee Requests (10 MIN)

Subject:

Updated Alternative Maps

Suggested Action:

Attachments:

[Updated Alternative 1.pdf](#)

[Updated Alternative 2.pdf](#)

[Updated Alternative 3.pdf](#)

Legend

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

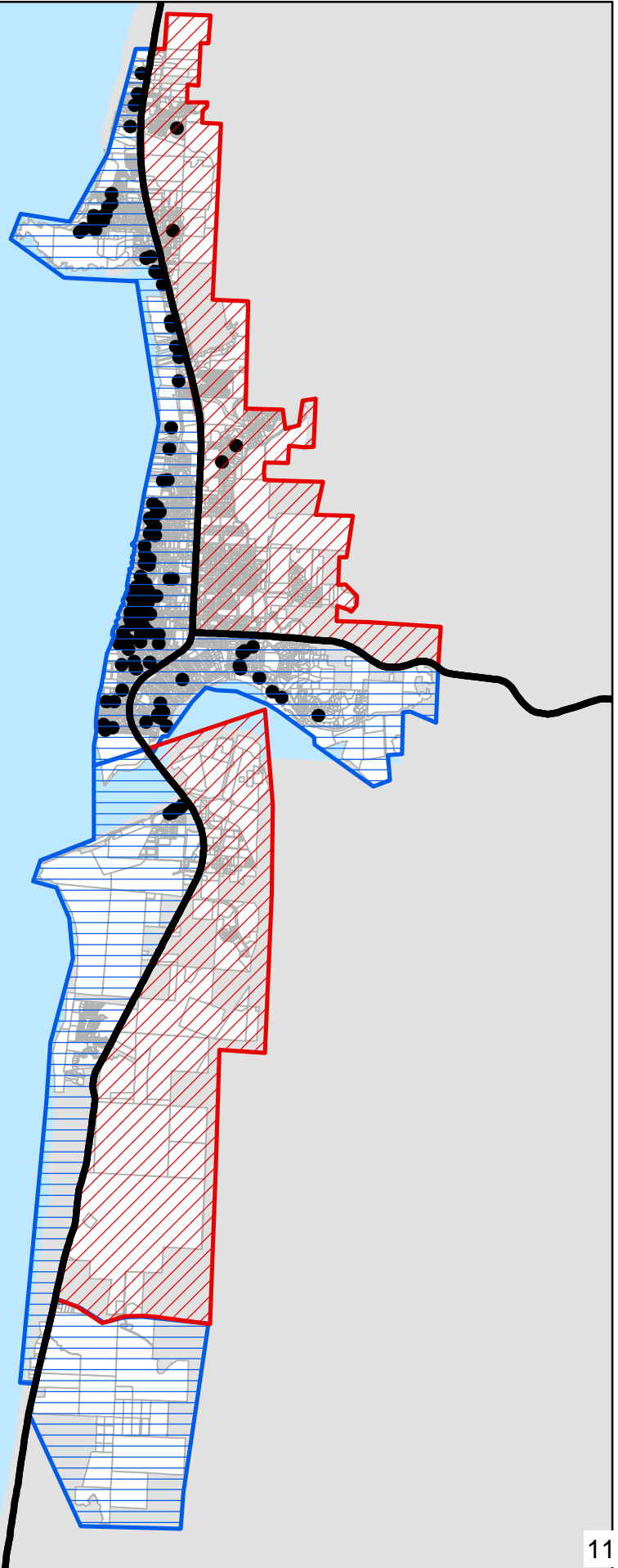
Prohibited Zone

4 Vacation Rental Endorsements
2,134 Address Points*
1,965 Taxlots*
Approx. **1,950** Dwellings
VRDs = **0.2%** of Taxlots
VRDs = **~0.2%** of Dwellings

Limited Zone

183 Vacation Rental Endorsements
3,944 Address Points*
5,095 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

3,081 Address Points*

3,075 Taxlots*

Approx. **2,700** Dwellings

VRDs = **0.1%** of Taxlots

VRDs = **~0.1%** of Dwellings

Limited Zone

183 Vacation Rental Endorsements

2,997 Address Points*

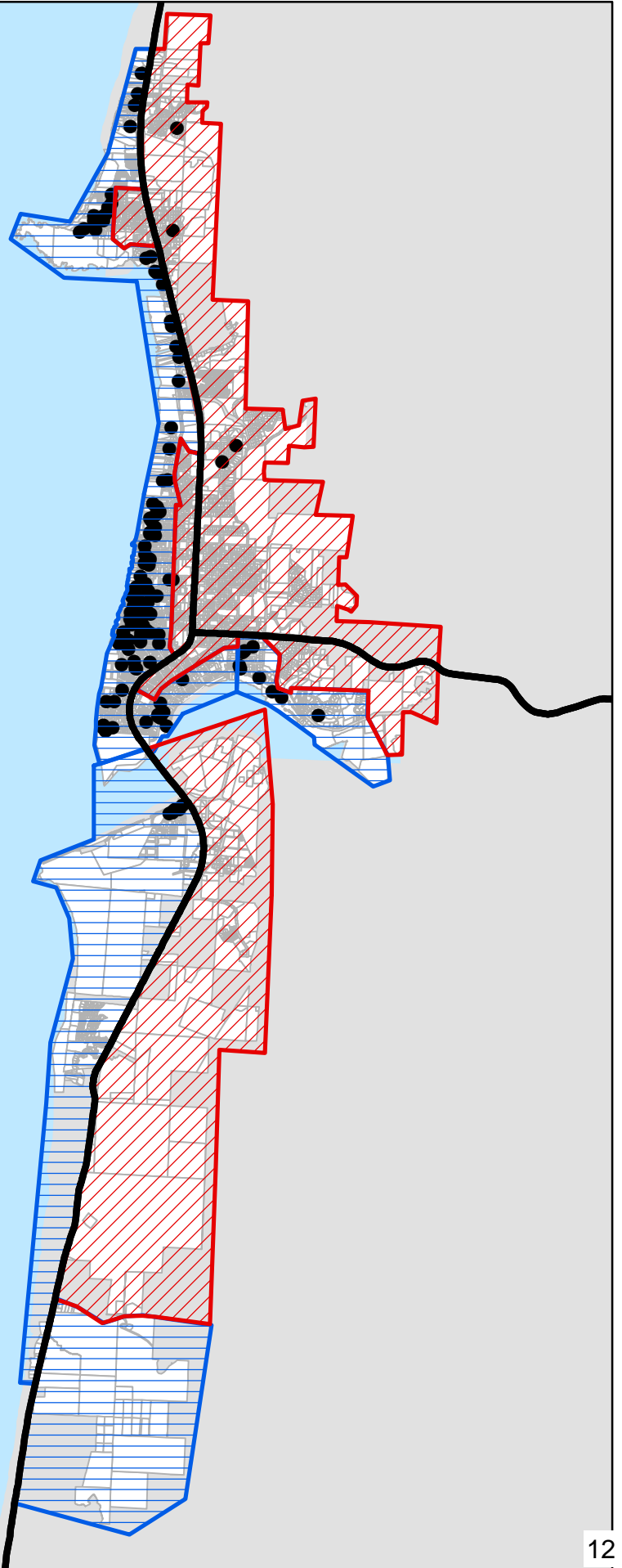
3,997 Taxlots*

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)



City of Newport
Community Development Department
169 SW Coast Highway Phone:1.541.574.0629
Newport, OR 97365 Fax:1.541.574.0644

Alternative 2

0 0.5 1 Miles



Legend

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

Prohibited Zone

47 Vacation Rental Endorsements

3,485 Address Points*

3,733 Taxlots*

Approx. **3,450** Dwellings

VRDs = **1.3%** of Taxlots

VRDs = **~1.4%** of Dwellings

Limited Zone

140 Vacation Rental Endorsements

2,580 Address Points*

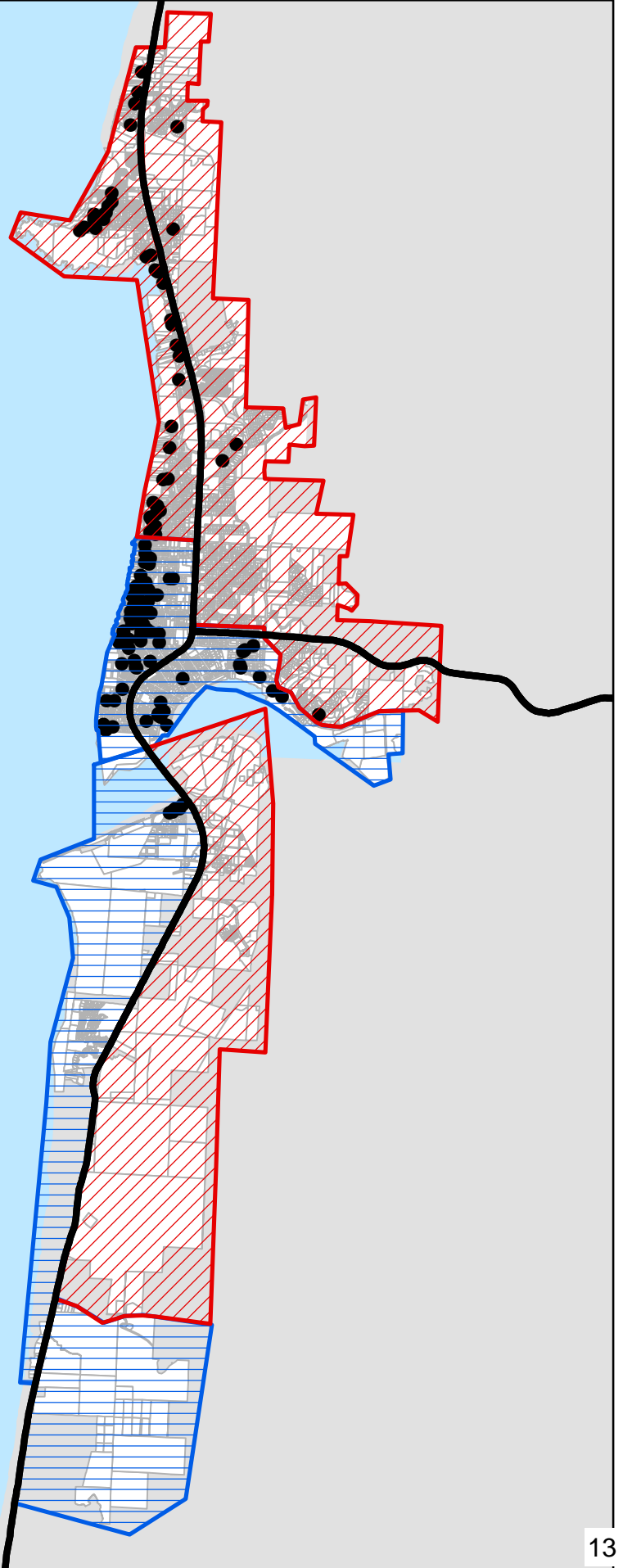
3,307 Taxlots*

Approx. **2,050** Dwellings

VRDs = **4.2%** 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: June 13, 2018

Submitted by: Sherri Marineau

Submitting Department: Community Development

Item Type: Discussion

Agenda Section: Committee Requests (10 MIN)

Subject:

Email from Committee Member Hines

Suggested Action:

Attachments:

[Email_from_Committee_Member_Hines.pdf](#)

Sherri Marineau

From: Lauri Hines <lauri.hines@icloud.com>
Sent: Wednesday, May 16, 2018 2:58 PM
To: Derrick Tokos; Sherri Marineau
Subject: Agenda item for next month

Hi Derrick and Sherri,

I would like to request we spend a few minutes next month re-visiting the current occupancy caps of two per bedroom plus two versus the proposed two per bedroom.

When my properties rent at maximum occupancy, it is generally a family and the extra two are kids.

As an example, a family of four could rent a 250 sf hotel room, or they could rent a 650 sf one bedroom with a pullout couch.

Under the new occupancy cap, the family could not rent the one bedroom unit.

It seems an unfair advantage to the hotel, and a deterrent to families wanting to travel to this area.

I would like to have a committee discussion about this, as I'm not sure of the rationale for making this change.

Thanks.

Regards,

Lauri Hines, CCIM, CPM
President | Principal Oregon Broker
Dream Homes of Oregon

Direct [541-414-6600](tel:541-414-6600)

Mobile [858.688.8261](tel:858.688.8261)

Lauri@dreamhomesoforegon.com

Dreamhomesoforegon.com

Vacation Rental Ad-hoc Committee Agenda Item Report

Meeting Date: June 13, 2018

Submitted by: Sherri Marineau

Submitting Department: Community Development

Item Type: Discussion

Agenda Section: Committee Requests (10 MIN)

Subject:

Email from Committee Member Dailey

Suggested Action:

Attachments:

[Email_from_Committee_Member_Dailey.pdf](#)

Sherri Marineau

From: Margaret <margaret@margaretedaileylaw.com>
Sent: Friday, June 08, 2018 9:51 AM
To: Derrick Tokos; 'James Hanselman'; 'carla perry'; 'simonis_110@hotmail.com'; 'Bonnie Saxton'; 'braulio.escobar@gmail.com'; 'fairhaven@peak.org'; 'dreamhomesof'; 'don@blueagate.com'; 'Bill Posner'; 'jamie@sweethomesrentals.com'; 'lauri.hines@icloud.com'; 'charboxer2@comcast.net'; 'Pam McElroy'; 'marthawinsor2@gmail.com'
Cc: Sherri Marineau; 'Rodney Croteau'; 'Bob Berman'; 'Mike Franklin (mike@newportchowderbowl.com)'; 'Lee Hardy'; 'William Branigan'; 'Jim Patrick'
Subject: Affordable housing money used to build house, sold, now \$400/night Airbnb

FYI:

<https://www.cbsnews.com/news/new-orleans-airbnb-taxpayer-funds-built-this-400-a-night-rental/>

A house rebuilt with public money in a poor New Orleans neighborhood is now renting at luxury prices

Margaret E Dailey
<mailto:margaret@margaretedaileylaw.com>

Taxpayer funds built this \$400-a-night Airbnb

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New Orleans thrives on tourism. But some residents are saying the city's support of the industry has gone too far after revelations that a \$400-a-night Airbnb was built with taxpayer funds.

Local news outlet [The Lens](#) tracked the trail of funding behind a three-bedroom shotgun house in the city's Treme neighborhood.

The house, on Dumaine Street, used to be a historic home on the site of the Department of Veterans Affairs hospital in the city. It was one of 80 houses that was moved to make way for the medical facility, costing \$3.2 million in federal funds. Eventually, the house's owner, Providence Community Partners, tore it down without permission from the city, [The Lens](#) reported.

The house was rebuilt using public money designated for affordable housing. Then someone bought it for \$180,000 before flipping it in May for \$290,000. The man who purchased it owns at least 14 short-term rentals in the area.

Those transactions were perfectly legal, a city council member said.

"There were no covenants or whether or not [the owner] could sell it in a certain time period," said Kristin Palmer, who represents New Orleans City Council District "C." "She did sell it legally."

Palmer last month proposed a 9-month moratorium on licenses and renewals for Airbnb properties to give time for a study on the effects the DIY hotels are having on New Orleans' housing stock.

Many locals say the city already has a shortage of short-term rentals. In Treme, the [oldest African-American neighborhood in America](#), about 6 percent of the housing stock is short-term, according to an [analysis](#) by [The Lens](#) and [HuffPost](#).

That's a significant slice of the most desirable real estate in a city that still hasn't rebuilt all the housing destroyed during Hurricane Katrina. More than a quarter of New Orleans' residents live in poverty.

"I think short term-rentals could be used as a catalyst for reinvestment and revitalization," said Palmer. "I think oversaturation can then be a detriment."

Vacation Rental Ad-hoc Committee Agenda Item Report

Meeting Date: June 13, 2018

Submitted by: Sherri Marineau

Submitting Department: Community Development

Item Type: Discussion

Agenda Section: Committee Requests (10 MIN)

Subject:

Updated list of VRDs by Zone

Suggested Action:

Attachments:

[Active VRDs by Zone-Updated 5-18-18.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/Apt | 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/Apt | 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/Apt | 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/Apt | 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/Apt | 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/Apt | 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/Apt | 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/Apt | 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/Apt | 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/Apt | 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/Apt | 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/Apt | 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/Apt | 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 | Alea, 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, Alea, 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/Apt | 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/Apt | 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 | 10/16/2017 | 507 NW Alpine St #303 "Nye Stay " | Arne LaVen | 2538 NW Hosmer Lake Dr | Bend, OR 97703 | 541-639-2538 | arne@laven.me | Sweet Home Rentals/Kasey Baker | 665 Hwy 101 | Yachats, OR 97498 | 541-961-5559 | info@sweethomesrentals.com | C-2 | Condo/Apt | 4 | 5958 | 5/18/2018 | |
| 24 | 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@gotmsky.com | same | same | same | same | joy@oregonbeachvacations.com | C-2 | Condo/Apt | 4 | 5014 | 10/22/2013 | |
| 25 | 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 | |
| 26 | 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 | |
| 27 | 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 | | |
| 28 | 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 | | |
| 29 | 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 | | |
| 30 | 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 | |
| 31 | 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 |
| 32 | 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 |
| 33 | 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 McCrea, 1040 SE 78th Ave, Portland, OR 97215 |
| 34 | 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 | |
| 35 | 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 | |
| 36 | 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 | | |
| 37 | 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 | |
| 38 | 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 | |
| 39 | 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 | |
| 40 | 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 | |

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 |
|----|------------|--|--|--|---|------------------------------|--|--|-----------------------|---------------------------|-------------------------------------|---|------------|------------|---------|--------------|------------------------|---|
| 41 | 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 | |
| 42 | 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 | |
| 43 | 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 | |
| 44 | 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 | |
| 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 | 4/18/2018 | 715 NW 3rd St "Nye Place LLC " | Nye Place, LLC / Stephen Madkour | 13999 S Clackamas River Dr | Oregon City, OR 97045 | 503-970-3998 | nyeplace@gmail.com | same | same | same | same | stephenmadkour@comcast.net | C-2 | SFD | 8 | 6082 | 5/18/2018 | |
| 47 | 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 | | |
| 48 | 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 | |
| 49 | 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 | |
| 50 | 10/29/2012 | 753 NW 2nd St "Trantow Parque Cavation Rental " | Wayne Trantow/Antoinette Parque | 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 | |
| 51 | 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 | rruummi@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 | |
| 52 | 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 | |
| 53 | 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 | | |
| 54 | 10/2/2012 | 914 SW 2nd St 10 NW 42nd St "Huff House Vacation Rental" | Whaler Motel Inc Thomas Huff | 155 SW Elizabeth St 3055 NW Vaughn St | Newport, OR 97365 Portland, OR 97210 | 541-265-9261 503-803-0802 | info@whalernewport.com trhuff@hotmail.com | John Clark Ocean Odyssey Vacation Rentals | same PO Box 491 | same Yachats, OR 97498 | same 541-547-3637 1-800-800-1915 | john@whalernewport.com yachats@ocean-odyssey.com | C-2 R-1 | SFD SFD | 8 10 | 1135 5170 | 11/17/2012 5/9/2013 | |
| 56 | 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 |
| 57 | 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 |
| 58 | 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 | |
| 59 | 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 | |
| 60 | 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 | |
| 61 | 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
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 |
|----|------------|---|---|------------------------|-------------------------|---|-----------------------------|---|--------------------------|------------------------|----------------------------|------------------------------------|------|------------|-----|-----------|---|----------------------------|
| 62 | 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 | |
| 63 | 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 | | |
| 64 | 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 | |
| 65 | 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 | |
| 66 | 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 | |
| 67 | 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 | |
| 68 | 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 | |
| 69 | 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 | |
| 70 | 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 | |
| 71 | 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 | |
| 72 | 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 | | |
| 73 | 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 | | |
| 74 | 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 | |
| 75 | 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 | |
| 76 | 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 | |
| 77 | 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 | | |
| 78 | 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 | |
| 79 | 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 | |
| 80 | 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 | | |
| 81 | 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 |
| 82 | 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 | | |

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 |
|-----|------------|---|---|---------------------------|------------------------|---------------------------|----------------------------------|--|--------------------------|------------------------|--|-----------------------------|------|------------|-----|-----------|----------------------------------|--|
| 83 | 8/8/2013 | 224 NE 55th St "Northeast 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 |
| 84 | 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 | |
| 85 | 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 | |
| 86 | 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 | |
| 87 | 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 |
| 88 | 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 | |
| 89 | 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 |
| 90 | 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 | |
| 91 | 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 | |
| 92 | 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 | |
| 93 | 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 | |
| 94 | 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 | | |
| 95 | 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 | |
| 96 | 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 |
| 97 | 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 | |
| 98 | 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 | |
| 99 | 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 | |
| 100 | 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 | |
| 101 | 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
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 |
|-----|------------|---|--|----------------------------|-----------------------|-----------------------------|-------------------------|--|-------------------------|-------------------|--------------------------------------|------------------------------|------|------------|-----|-----------|-------------------------------------|--|
| 102 | 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 | |
| 103 | 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 | tonyhause@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 |
| 104 | 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) | |
| 105 | 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 | |
| 106 | 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 | |
| 107 | 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 | |
| 108 | 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 | | |
| 109 | 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 | |
| 110 | 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 |
| 111 | 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 | | |
| 112 | 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 | |
| 113 | 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 | |
| 114 | 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 | |
| 115 | 8/21/2014 | 607 SW Woods St "Hill Villa" | Sandra & Bob Ringo | 14735 SW Tierra del Mar Dr | Beaverton, OR 97007 | 503-643-5151 | sanbohr@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 | |
| 116 | 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 |
| 117 | 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 | |
| 118 | 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 |
| 119 | 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 | | |
| 120 | 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 | |
| 121 | 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
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 |
|-----|------------|--|--|------------------------|-------------------------|--|-------------------------------|-------------------------------------|---------------------------|------------------------|----------------------------|------------------------------|------|------------|-----|-----------|----------------------------|--|
| 122 | 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 | |
| 123 | 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 | |
| 124 | 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 | |
| 125 | 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 | |
| 126 | 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 | | |
| 127 | 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 | | |
| 128 | 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 | |
| 129 | 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 | |
| 130 | 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 | |
| 131 | 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 | |
| 132 | 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 | | |
| 133 | 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 | |
| 134 | 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 | | |
| 135 | 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 |
| 136 | 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 |
| 137 | 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 |
| 138 | 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 | |
| 139 | 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
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 |
|-----|------------|--|----------------------------------|--------------------------------|----------------------------|--------------|--------------------------------|---|----------------------------|------------------------|------------------------------|-------------------------------|------|---------------|-----|-----------|---|---|
| 140 | 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/A pt | 6 | 5951 | 1/19/2018 | |
| 141 | 10/25/2017 | 232 SW 27th St 238 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/A pt | 6 | 5716 | 1/19/2018 | |
| 142 | 8/5/2016 | "Yaquina Bay Club" 242 SW 27th St "Bridgetender Rental House" | 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/A pt | 8 | 5444 | | |
| 143 | 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 | |
| 144 | 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 | |
| 145 | 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/A pt | 6 | 5705 | | |
| 146 | 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/A pt | 6 | 5716 | | |
| 147 | 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/A pt | 6 | 5354 | 7/8/2014 | |
| 148 | 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/A pt | 8 | 6022 | 4/6/2018 | |
| 149 | 4/25/2018 | 2638 SW Brant St "Easy Two LLC " | Lisa Trapp | 15977 Abiqua Rd | Silverton, OR 97381 | 503-779-5394 | bonnie5977@gmail.com | Turnkey Vacation Rentals/ Annie Underwood | PO Box 1244 | Waldport, OR 97394 | 503-212-4323 / 541-200-4523 | annie.underwood@turnkeyvr.com | R-4 | SFD | 8 | 6076 | 5/18/2018 | |
| 150 | 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/A pt | 4 | 5067 | 2/5/2018 | M Pieter Bergshoeff, 3109 NE Cooper Rd, Camas, WA 98607 |
| 151 | 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/A pt | 4 | 5067 | 2/5/2018 | M Pieter Bergshoeff, 3109 NE Cooper Rd, Camas, WA 98607 |
| 152 | 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/A pt | 4 | 5067 | 2/5/2018 | M Pieter Bergshoeff, 3109 NE Cooper Rd, Camas, WA 98607 |
| 153 | 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/A pt | 4 | 5067 | 2/5/2018 | M Pieter Bergshoeff, 3109 NE Cooper Rd, Camas, WA 98607 |
| 154 | 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/A pt | 4 | 5933 | 10/13/2017 | M Pieter Bergshoeff, 3109 NE Cooper Rd, Camas, WA 98607 |
| 155 | 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/A pt | 10 | 4990 | 10/25/2012 | |
| 156 | 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/A pt | 10 | 4990 | 10/25/2012 | |
| 157 | 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/A pt | 10 | 4990 | 10/25/2012 | |
| 158 | 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/A pt | 8 | 5488 | 12/5/2013 | |
| 159 | 8/10/2017 | 35 SW Hurbert St "Beverly Chamberlain" 3749 NW Oceanview Dr "Mountain Seas Development" | 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 | |
| 160 | 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 | |

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 |
|-----|------------|---|-------------------------------------|------------------------------|--------------------------|---------------------------------|--|--|---------------------------|------------------------|-------------------------------------|------------------------------------|------|------------|-----|-----------|----------------------|--|
| 161 | 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 | |
| 162 | 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 |
| 163 | 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 | pietrokgcne@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 |
| 164 | 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 | |
| 165 | 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 | |
| 166 | 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 | | |
| 167 | 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 |
| 168 | 10/17/2012 | 4925 NW Woody Way "Tye 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 | |
| 169 | 11/9/2017 | 521 NW Hubert 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 | |
| 170 | 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 | |
| 171 | 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.muenchmeyer@comcast.net | same | same | same | same | same | R-4 | SFD | 8 | 5449 | | |
| 172 | 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 | |
| 173 | 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 | |
| 174 | 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 | |
| 175 | 1/8/2014 | 757 SW 6th St "A-Frame" | Doug Chu | 11954 NE Glsan St 134 | Portland, OR 97220 | 503-888-6056 | chewnews49@gmail.com | same | same | same | same | same | R-4 | SFD | 8 | 5280 | | |
| 176 | 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 | |
| 177 | 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 | |
| 178 | 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 | |
| 179 | 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 |
| 180 | 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 | | |

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 |
|-----|-----------|--|---|------------------------------|-----------------------|--------------|--------------------------|--|-----------------------|-------------------|----------------------------|---------------------------|------|------------|-----|-----------|--------------------|---|
| 181 | 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 |
| 182 | 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 | |
| 183 | 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 | |
| 184 | 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 |
| 185 | 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 |
| 186 | 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 |
| 187 | 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 | |
| 188 | 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 | | |
| 189 | 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 | |
| 190 | 7/2/2012 | 144 SW 26TH #1 "Winward at the Rigatta" | Charles & Michele Acocck | 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 | |

Vacation Rental Ad-hoc Committee Agenda Item Report

Meeting Date: June 13, 2018

Submitted by: Sherri Marineau

Submitting Department: Community Development

Item Type: Discussion

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

Subject:

PowerPoint Presentation

Suggested Action:

Attachments:

[PowerPoint Presentation_color.pdf](#)

[PowerPoint Presentation_black_and_white.pdf](#)

CITY OF NEWPORT VACATION RENTAL CODE UPDATE

Licensing, Approval Process, Posting
Requirements, Effect on Existing Rentals, Room
Tax & Fees, Cap Levels and Revisit of Occupancy
and Tenancy Limits

June 13, 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:
 - License Renewal / Expiration (continued discussion)
 - Approval Process / Posting Requirements / Effect on Existing Rentals
 - Room Tax & Fees
 - Revisit Occupancy & Tenancy Limits / Cap Levels / Locations for B&Bs and Home shares
- 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

LICENSE RENEWALS/EXPIRATION

Concept from 5/14/18

- ▣ Annual license renewal requirement
- ▣ Automatic expiration language to prevent “license hoarding” under a cap system
- ▣ Two alternatives for license transfers:
 - Alternative A – License under a cap can be renewed indefinitely but cannot be transferred to a new owner
 - Alternative B – Same as Alternative A, except license can be transferred

Is this approach workable?

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.

ROOM TAX & FEES

Issues

- What steps, if any, can be taken to improve room tax collections?
 - How should the taxes and fees be used?
-

Observations

- ▣ Many concerns regarding room tax collection have revolved around Airbnb and other online intermediaries that won't remit taxes or pay them in a manner that cannot be tracked to the subject parcel
- ▣ New law (HB 4120-A) and the employment of a firm like "Host Compliance" may address this concern
- ▣ Room taxes and fees are not typically earmarked by the City for specific uses, but they can be allocated in that manner
- ▣ May be sufficient to set fee to cover costs of third-party enforcement support, as they can be adjusted later if needed

REVISIT OCCUPANCY LIMITS

Issues

- Request by committee member to retain existing overnight occupancy limit of two persons per bedroom, plus two
-

Observations

- ▣ Current proposal sets overnight occupancy at two persons per bedroom, with the optional addition of a provision that would exempt small children from the limit
- ▣ A policy alternative could be prepared to retain the existing two person per bedroom plus two standard (in addition to the current proposal)

REVISIT TENANCY LIMITS

Issues

- Request by committee member to revisit whether or not tenancy limits should be imposed in some manner?
-

Observations

- ❑ Tenancy limits reduce the frequency of guests coming to and from a unit decreasing the chances of nuisance issues
- ❑ There are significant differences in how local governments apply tenancy limits with Cannon Beach being the most restrictive (14-days) and Hood River the most permissive (90-days)
- ❑ Can be difficult to enforce and would not apply to non-paying guests
- ❑ Should be viewed in context with other use limitations
- ❑ Current proposal does not include tenancy limits

CAP LEVELS

Issues

- What level(s) should caps be set at?
-

Observations

- ▣ Hard caps as a percentage of overall housing vary widely from jurisdiction to jurisdiction and can apply city-wide or to targeted locations
- ▣ Tourist oriented cities in Oregon with caps include:
 - ▣ Cannon Beach – 5% of total units (coupled with unlimited number of 14-day permits)
 - ▣ Lincoln City – 10% of total number of lots in certain zones (unrestricted in mixed-use / commercial zones)
 - ▣ Manzanita – 17.5% of total number of dwellings in certain zones
 - ▣ Yachats – 15% of the total number of dwelling units
- ▣ It may be prudent to provide 2 or 3 alternatives for policy makers to consider

BED AND BREAKFAST ESTABLISHMENTS AND HOME SHARES

Issues

- Should there be limits on the number and location of these units?
-

Observations

- ▣ Bed and Breakfast (B&B) establishments are currently allowed in existing residential units. There are no locational restrictions
- ▣ Home shares are presently identified as vacation rental dwellings. They represent a small percentage of the total (roughly 5%)
- ▣ The current proposal exempts B&B and home share arrangements from location and density limits

QUESTIONS?

CITY OF NEWPORT VACATION RENTAL CODE UPDATE

Licensing, Approval Process, Posting
Requirements, Effect on Existing Rentals, Room
Tax & Fees, Cap Levels and Revisit of Occupancy
and Tenancy Limits

June 13, 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:
 - ▣ License Renewal / Expiration (continued discussion)
 - ▣ Approval Process / Posting Requirements / Effect on Existing Rentals
 - ▣ Room Tax & Fees
 - ▣ Revisit Occupancy & Tenancy Limits / Cap Levels / Locations for B&Bs and Home shares
- 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

2

LICENSE RENEWALS/EXPIRATION

Concept from 5/14/18

- ☐ Annual license renewal requirement
- ☐ Automatic expiration language to prevent “license hoarding” under a cap system
- ☐ Two alternatives for license transfers:
 - Alternative A – License under a cap can be renewed indefinitely but cannot be transferred to a new owner
 - Alternative B – Same as Alternative A, except license can be transferred

Is this approach workable?

3

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

4

POSTING REQUIREMENTS

Issues

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

Observations

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Issues

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11

QUESTIONS?

12

Vacation Rental Ad-hoc Committee Agenda Item Report

Meeting Date: June 13, 2018

Submitted by: Sherri Marineau

Submitting Department: Community Development

Item Type: Discussion

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

Subject:

Eugene Experience with Host Compliance

Suggested Action:

Attachments:

[Eugene Experience with Host Compliance.pdf](#)

Sherri Marineau

From: Derrick Tokos
Sent: Friday, May 18, 2018 11:21 AM
To: Spencer Nebel; Jason Malloy
Subject: Eugene Experience with Host Compliance

I just got off the phone with Kathy Alexander, City of Eugene. She works in their Finance Department and is responsible for overseeing room tax collections.

Eugene does not limit or restrict VRDs and she speculated that they have about half of the 400 +/- licensed VRDs in Lane County. They contracted with Host Compliance to assist with transient room tax collections. That is the only product that they use, and it is setup differently then what we discussed. For Eugene, Host Compliance generates a weekly report that the finance department compares against its collection records. I believe that we talked about uploading data to Host Compliance, they would do the record comparison, and send back a list of potentially “non-compliant” properties. Eugene does not share data with Host Compliance, so it looks like there is some flexibility in terms of how this is setup.

Kathy had nothing but good things to say about them... quality information, good customer service.

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

Vacation Rental Ad-hoc Committee Agenda Item Report

Meeting Date: June 13, 2018

Submitted by: Sherri Marineau

Submitting Department: Community Development

Item Type: Discussion

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

Subject:

HB 4120 Room Tax

Suggested Action:

Attachments:

[HB 4120_Room_Tax.pdf](#)

The Register-Guard

Airbnb faces new tax rules under bill

By **Saul Hubbard**

Posted Feb 22, 2018 at 10:01 PM

SALEM -- Oregon's local governments would gain more power to collect hotel room taxes from Airbnb and other intermediary websites for vacation rentals under a bill overwhelmingly approved by the state House on Thursday.

House Bill 4120 would make clear that all intermediary websites are responsible for collecting state and local hotel taxes on overnight room rentals, if they collect the rental payment on behalf of the property owner or receive any fee or commission. The bill also specifies that the full room price paid by consumers should be taxed -- preventing a practice where some online firms subtract service or cleaning fees before applying the tax.

Most hotel tax revenue must be used to promote and foster tourism, under state law, but local governments can use a portion of their individual funds as they please. Eugene and Springfield impose a 9.5 percent tax on hotel stays; the state tacks on an additional 1.8 percent tax.

"Online platforms have given consumers more choice and more flexibility. That's a good thing," said Rep. Pam Marsh, an Ashland Democrat. But "taxes should be equitably applied to everyone in the business."

"Hotels, motels and family inns collect and pay taxes due to the local city or county," Marsh added. "So should entities that contract with you online."

In practice, many online intermediaries already are collecting hotel taxes on behalf of cities and counties.

Airbnb, for example, has voluntary agreements with 20 Oregon cities and counties -- including all of Lane County -- to collect the tax for the rentals it lists on its site. But in areas where no such deals exist, it's often up to the individual property owners to collect and pay the tax to the appropriate jurisdictions, and many fail to do so.

Other rental websites, meanwhile, have argued that statewide requirements don't apply to their business model and have refused to collect the tax. HomeAway.com and its affiliate VRBO, for example, have been locked in lawsuits with the city of Portland over the issue in recent years.

Eugene city officials -- who also collect the hotel taxes for Springfield, Florence and unincorporated Lane County -- said Thursday that HomeAway and VRBO aren't registered to pay hotel taxes in Lane County.

Facing strong opposition from the technology industry, lawmakers stripped out of HB 4120 a controversial provision that would have given local governments subpoena power to audit whether online intermediaries are getting all of their customers to pay hotel taxes and whether property owners are getting necessary permits where local codes require them to.

Still, technology associations and Airbnb opposed the final version of HB 4120, saying that there are 100 local jurisdictions across Oregon that impose their own hotel taxes.

The bill "sets in motion a complicated, costly and bureaucratic challenge for businesses operating across the state," the groups wrote in a floor letter to lawmakers.

Opponents of the bill echoed those arguments, saying that Oregon would be better served with a single statewide hotel tax collection system, with the revenues then distributed to local governments.

Rep. Werner Reschke, a Klamath Falls Republican, said "fair simple and uniform system whether you're in Ashland or Astoria, Pendleton or Portland" would be preferable both for people with short-term rentals and for the intermediary websites.

HB 4120 "places new wine into old wine skins," he said. "We are using an old method, the way we've always done things to collect (hotel taxes) and forcing it on this new emerging market. It's not a good fit."

But Marsh countered that, while such a system may make sense eventually, it's misleading to say that intermediary websites can't adapt to the patchwork of local hotel room taxes.

"These online vendors have access to extraordinary technology and all the algorithms in the world" to adapt some local variations, she said.

HB 4120 passed on a 52-8 vote Thursday, with six Republicans and two Democrats -- including House Majority Leader, Jennifer Williamson of Portland -- voting no. It now heads to the Senate.

Enrolled
House Bill 4120

Sponsored by Representative MARSH; Representatives ESQUIVEL, GOMBERG, KENY-GUYER,
NOSSE, Senators DEBOER, JOHNSON (Presession filed.)

CHAPTER

AN ACT

Relating to transient lodging taxes; creating new provisions; amending ORS 320.300, 320.305, 320.325 and 320.350; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 320.300 is amended to read:

320.300. As used in ORS 320.300 to 320.350:

(1) "Collection reimbursement charge" means the amount a transient lodging tax collector may retain as reimbursement for the costs incurred by the transient lodging tax collector in collecting and reporting a transient lodging tax and in maintaining transient lodging tax records.

(2) "Conference center" means a facility that:

(a) Is owned or partially owned by a unit of local government, a governmental agency or a nonprofit organization; and

(b) Meets the current membership criteria of the International Association of Conference Centers.

(3) "Convention center" means a new or improved facility that:

(a) Is capable of attracting and accommodating conventions and trade shows from international, national and regional markets requiring exhibition space, ballroom space, meeting rooms and any other associated space, including without limitation banquet facilities, loading areas and lobby and registration areas;

(b) Has a total meeting room and ballroom space between one-third and one-half of the total size of the center's exhibition space;

(c) Generates a majority of its business income from tourists;

(d) Has a room-block relationship with the local lodging industry; and

(e) Is owned by a unit of local government, a governmental agency or a nonprofit organization.

(4) "Local transient lodging tax" means a tax imposed by a unit of local government on the sale, service or furnishing of transient lodging.

(5) "State transient lodging tax" means the tax imposed under ORS 320.305.

(6) "Tourism" means economic activity resulting from tourists.

(7) "Tourism promotion" means any of the following activities:

(a) Advertising, publicizing or distributing information for the purpose of attracting and welcoming tourists;

(b) Conducting strategic planning and research necessary to stimulate future tourism development;

(c) Operating tourism promotion agencies; and

- (d) Marketing special events and festivals designed to attract tourists.
- (8) "Tourism promotion agency" includes:
- (a) An incorporated nonprofit organization or governmental unit that is responsible for the tourism promotion of a destination on a year-round basis.
- (b) A nonprofit entity that manages tourism-related economic development plans, programs and projects.
- (c) A regional or statewide association that represents entities that rely on tourism-related business for more than 50 percent of their total income.
- (9) "Tourism-related facility" means:
- (a) A conference center, convention center or visitor information center; and
- (b) Other improved real property that has a useful life of 10 or more years and has a substantial purpose of supporting tourism or accommodating tourist activities.
- (10) "Tourist" means a person who, for business, pleasure, recreation or participation in events related to the arts, heritage or culture, travels from the community in which that person is a resident to a different community that is separate, distinct from and unrelated to the person's community of residence, and that trip:
- (a) Requires the person to travel more than 50 miles from the community of residence; or
- (b) Includes an overnight stay.
- (11) "Transient lodging" means:
- (a) Hotel, motel and inn dwelling units that are used for temporary overnight human occupancy;
- (b) Spaces used for parking recreational vehicles or erecting tents during periods of human occupancy; or
- (c) Houses, cabins, condominiums, apartment units or other dwelling units, or portions of any of these dwelling units, that are used for temporary human occupancy.
- (12) "Transient lodging intermediary" means a person other than a transient lodging provider that facilitates the retail sale of transient lodging and:
- (a) Charges for occupancy of the transient lodging[.];
- (b) **Collects the consideration charged for occupancy of the transient lodging; or**
- (c) **Receives a fee or commission and requires the transient lodging provider to use a specified third-party entity to collect the consideration charged for occupancy of the transient lodging.**
- (13) "Transient lodging provider" means a person that furnishes transient lodging.
- (14) "Transient lodging tax collector" means a transient lodging provider or a transient lodging intermediary.
- (15) "Unit of local government" has the meaning given that term in ORS 190.003.
- (16) "Visitor information center" means a building, or a portion of a building, the main purpose of which is to distribute or disseminate information to tourists.

SECTION 2. ORS 320.325 is amended to read:

320.325. (1) Every transient lodging tax collector is deemed to hold the amount of state transient lodging taxes collected in trust for the State of Oregon and for payment to the Department of Revenue in the manner and at the time provided under ORS 320.315.

(2) At any time **that** the transient lodging tax collector fails to remit any amount of state transient lodging taxes deemed to be held in trust for the State of Oregon, the department may enforce collection by the issuance of a distraint warrant for the collection of the delinquent amount and all penalties, interest and collection charges accrued on the delinquent amount. The warrant shall be issued, docketed and proceeded upon in the same manner and shall have the same force and effect as warrants for the collection of delinquent income taxes.

(3) **Notwithstanding ORS 320.305, if the transient lodging is owned by more than one person, each and every owner may be held jointly and severally liable for any tax imposed under ORS 320.305 with respect to a transient lodging transaction.**

SECTION 3. ORS 320.350 is amended to read:

320.350. (1) A unit of local government that did not impose a local transient lodging tax on July 1, 2003, may not impose a local transient lodging tax on or after July 2, 2003, unless the imposition of the local transient lodging tax was approved on or before July 1, 2003.

(2) A unit of local government that imposed a local transient lodging tax on July 1, 2003, may not increase the rate of the local transient lodging tax on or after July 2, 2003, to a rate that is greater than the rate in effect on July 1, 2003, unless the increase was approved on or before July 1, 2003.

(3) A unit of local government that imposed a local transient lodging tax on July 1, 2003, may not decrease the percentage of total local transient lodging tax revenues that are actually expended to fund tourism promotion or tourism-related facilities on or after July 2, 2003. A unit of local government that agreed, on or before July 1, 2003, to increase the percentage of total local transient lodging tax revenues that are to be expended to fund tourism promotion or tourism-related facilities, must increase the percentage as agreed.

(4) Notwithstanding subsections (1) and (2) of this section, a unit of local government that is financing debt with local transient lodging tax revenues on November 26, 2003, must continue to finance the debt until the retirement of the debt, including any refinancing of that debt. If the tax is not otherwise permitted under subsection (1) or (2) of this section, at the time of the debt retirement:

(a) The local transient lodging tax revenue that financed the debt shall be used as provided in subsection (5) of this section; or

(b) The unit of local government shall thereafter eliminate the new tax or increase in tax otherwise described in subsection (1) or (2) of this section.

(5) Subsections (1) and (2) of this section do not apply to a new or increased local transient lodging tax if all of the net revenue from the new or increased tax, following reductions attributed to collection reimbursement charges, is used consistently with subsection (6) of this section to:

(a) Fund tourism promotion or tourism-related facilities;

(b) Fund city or county services; or

(c) Finance or refinance the debt of tourism-related facilities and pay reasonable administrative costs incurred in financing or refinancing that debt, provided that:

(A) The net revenue may be used for administrative costs only if the unit of local government provides a collection reimbursement charge; and

(B) Upon retirement of the debt, the unit of local government reduces the tax by the amount by which the tax was increased to finance or refinance the debt.

(6) At least 70 percent of net revenue from a new or increased local transient lodging tax shall be used for the purposes described in subsection (5)(a) or (c) of this section. No more than 30 percent of net revenue from a new or increased local transient lodging tax may be used for the purpose described in subsection (5)(b) of this section.

[(7)(a)(A) A local transient lodging tax must be computed on the total retail price, including all charges other than taxes, paid by a person for occupancy of the transient lodging.]

[(B) The total retail price paid by a person for occupancy of transient lodging that is part of a travel package may be determined by reasonable and verifiable standards from books and records kept in the ordinary course of the transient lodging tax collector's business.]

[(b) The tax shall be collected by the transient lodging tax collector that receives the consideration rendered for occupancy of the transient lodging.]

SECTION 4. Sections 5 and 6 of this 2018 Act are added to and made a part of ORS 320.300 to 320.350.

SECTION 5. (1) A local transient lodging tax must be computed on the total retail price, including all charges other than taxes, paid by a person for occupancy of the transient lodging.

(2) The total retail price paid by a person for occupancy of transient lodging that is part of a travel package may be determined by reasonable and verifiable standards from books and records kept in the ordinary course of the transient lodging tax collector's business.

SECTION 6. (1) The transient lodging provider or transient lodging intermediary that collects the consideration charged for occupancy of transient lodging, or a transient lodging intermediary described in ORS 320.300 (12)(c), as applicable, is responsible for collecting any local transient lodging tax and shall file a return of the tax with the unit of local government that imposes the tax, or with any tax administrator identified by the unit of local government, reporting the amount of tax due during the reporting period to which the return relates.

(2) Returns shall be filed on or before the deadline fixed by the unit of local government for filing of returns and shall be made under penalties for false swearing.

(3) When a return is required under this section, the transient lodging tax collector required to file the return shall remit the taxes due to the unit of local government at the time fixed for filing of returns.

(4) This section applies to a transient lodging tax collector unless a charter provision or ordinance or resolution of the unit of local government, or an agreement entered into between the transient lodging tax collector and the unit of local government, provides otherwise.

SECTION 7. ORS 320.305 is amended to read:

320.305. (1)(a) A tax of 1.8 percent is imposed on any consideration [*rendered*] **charged** for the sale, service or furnishing of transient lodging.

(b)(A) The tax must be computed on the total retail price, including all charges other than taxes, paid by a person for occupancy of the transient lodging.

(B) The total retail price paid by a person for occupancy of transient lodging that is part of a travel package may be determined by reasonable and verifiable standards from books and records kept in the ordinary course of the transient lodging tax collector's business.

(c) The tax shall be collected by the transient lodging [*tax collector that receives*] **provider or transient lodging intermediary that collects** the consideration [*rendered*] **charged** for occupancy of the transient lodging, **or a transient lodging intermediary described in ORS 320.300 (12)(c), as applicable.**

(d) The tax imposed by this subsection is in addition to and not in lieu of any local transient lodging tax.

(2) The transient lodging tax collector may withhold a collection reimbursement charge of five percent of the amount collected under subsection (1) of this section.

SECTION 8. ORS 320.305, as amended by section 3, chapter 102, Oregon Laws 2016, is amended to read:

320.305. (1)(a) A tax of 1.5 percent is imposed on any consideration [*rendered*] **charged** for the sale, service or furnishing of transient lodging.

(b)(A) The tax must be computed on the total retail price, including all charges other than taxes, paid by a person for occupancy of the transient lodging.

(B) The total retail price paid by a person for occupancy of transient lodging that is part of a travel package may be determined by reasonable and verifiable standards from books and records kept in the ordinary course of the transient lodging tax collector's business.

(c) The tax shall be collected by the transient lodging [*tax collector that receives*] **provider or transient lodging intermediary that collects** the consideration [*rendered*] **charged** for occupancy of the transient lodging, **or a transient lodging intermediary described in ORS 320.300 (12)(c), as applicable.**

(d) The tax imposed by this subsection is in addition to and not in lieu of any local transient lodging tax.

(2) The transient lodging tax collector may withhold a collection reimbursement charge of five percent of the amount collected under subsection (1) of this section.

SECTION 9. This 2018 Act takes effect on the later of the 91st day after the date on which the 2018 regular session of the Seventy-ninth Legislative Assembly adjourns sine die or July 1, 2018.

Passed by House February 22, 2018

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate March 1, 2018

.....
Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2018

Approved:

.....M,....., 2018

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2018

.....
Dennis Richardson, Secretary of State

Vacation Rental Ad-hoc Committee Agenda Item Report

Meeting Date: June 13, 2018

Submitted by: Sherri Marineau

Submitting Department: Community Development

Item Type: Discussion

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

Subject:

Measure 49

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

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 14th 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: June 13, 2018

Submitted by: Sherri Marineau

Submitting Department: Community Development

Item Type: Discussion

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

Subject:

Policy Options by Topic Area

Suggested Action:

Attachments:

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

CITY OF NEWPORT
169 SW COAST HWY
NEWPORT, OREGON 97365



phone: 541.574.0629
fax: 541.574.0644
<http://newportoregon.gov>
mombetsu, japan, sister city

COAST GUARD CITY, USA

May 21, 2018

VACATION RENTAL AD-HOC COMMITTEE

POLICY OPTIONS FOR CODE AMENDMENTS BY TOPIC AREAS

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.

Enforcement – Develop centralized complaint system that facilitates transparency and citizen access to information. Consider third party vendor, like “Host Compliance” to achieve centralized database with 24/7 complaint hotline and to provide ongoing monitoring of vacation rentals for permit and tax collection compliance through the initial “voluntary compliance” stage of enforcement. Require VRD license number in advertisements. Structure progressive enforcement to achieve “Three strikes you are out.” Optional language to be drafted to establish a two year cooling off period before an individual that had a license revoked can reapply. Vacation rental operators to have local contact capable of responding to the premises within 30 minutes. Designated contact to provide street address (i.e. not only a P.O. Box number).

License Renewal & Registration – Desire to see annual license renewal with proof of insurance, which also offers opportunity to update designated contact information. Automatic expiration language to be crafted for inactive licenses to head off “license hoarding” under a cap system. Two alternatives to be developed regarding license transfers, with the first being that an owner can renew license under a cap indefinitely but cannot transfer the right to a license with the sale of a property. Second option would allow licenses to be transferred to new owner.

Upcoming Topics:

Approval Process / Notice / Posting Requirements

Effect on Existing Rentals

Room Taxes and Fees

Vacation Rental Ad-hoc Committee Agenda Item Report

Meeting Date: June 13, 2018

Submitted by: Sherri Marineau

Submitting Department: Community Development

Item Type: Discussion

Agenda Section: Review Committee Schedule (10 MINS)

Subject:

Committee Schedule

Suggested Action:

Attachments:

[Committee Schedule - 6.13.18 Draft.pdf](#)

City of Newport – Vacation Rental Ad-Hoc Committee Schedule

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

* 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>

Vacation Rental Ad-hoc Committee Agenda Item Report

Meeting Date: June 13, 2018

Submitted by: Sherri Marineau

Submitting Department: Community Development

Item Type: Discussion

Agenda Section: Review Committee Schedule (10 MINS)

Subject:

CC Progress Report

Suggested Action:

Attachments:

[CC Progress Report WS 5-21-18_color.pdf](#)

[CC Progress Report WS 5-21-18_black_and_white.pdf](#)

CITY OF NEWPORT VACATION RENTAL CODE UPDATE

PROGRESS REPORT

MAY 21, 2018

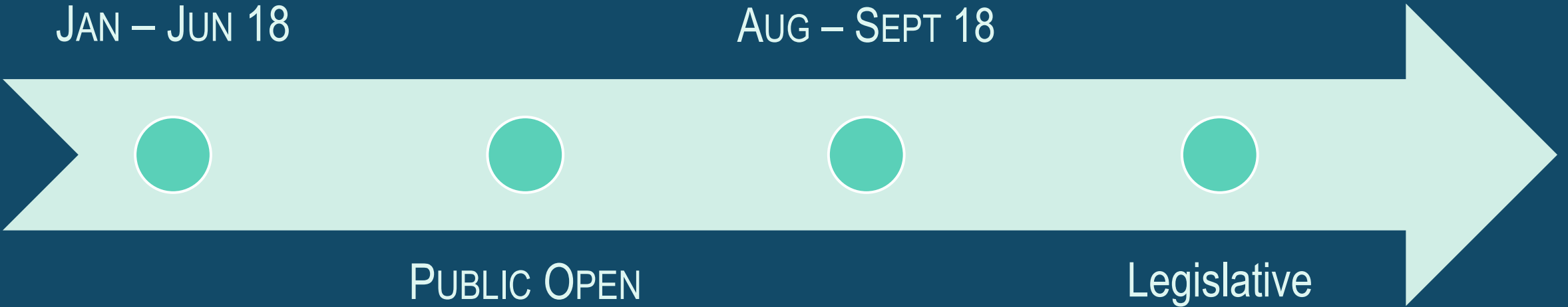
CITY COUNCIL WORK SESSION

COMMITTEE
DEVELOPS
DRAFT POLICY
OPTIONS
JAN – JUN 18

COMMITTEE
POLICY
REFINEMENT
AUG – SEPT 18

PUBLIC OPEN
HOUSES
JUL – AUG 18

Legislative
Adoption
Sept - Nov 18



OVERVIEW OF POLICY OPTIONS

- MAINTAIN CLEAR & OBJECTIVE CRITERIA WITH ANNUAL LICENSE RENEWAL
- UPDATE AND CLARIFY SAFETY AND DEVELOPMENT STANDARDS
- DISTINGUISH BETWEEN “HOME SHARES” AND VACATION RENTALS
- TIGHTEN UP OVERNIGHT OCCUPANCY ALLOWANCE
- PUT IN PLACE A ZONING OVERLAY TO IDENTIFY WHERE VACATION RENTALS SHOULD BE ALLOWED WITH LIMITS OR PROHIBITED
- IMPOSE CAPS ON VACATION RENTAL LICENSES ISSUED COUPLED WITH PROXIMITY LIMITS (I.E. SPACING REQUIREMENTS) IN
- DEVELOP CENTRALIZED COMPLAINT SYSTEM THAT FACILITATES TRANSPARENCY AND CITIZEN ACCESS TO INFORMATION

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TOPICS FOR UPCOMING COMMITTEE MEETINGS

- WHAT IS AN APPROPRIATE CAP LEVEL AND SHOULD CAPS APPLY TO RESIDENTIAL AREAS OR ALL AREAS WHERE VRDs ARE PERMITTED?
- SHOULD TENANCY LIMITS BE REVISITED?
- LOCATIONAL LIMITS NEEDED FOR HOME SHARES OR B&BS?
- NOTIFICATION TO NEIGHBORING PROPERTY OWNERS
- LICENSE RENEWAL AND EXPIRATION
- POSTING REQUIREMENTS
- EFFECT ON EXISTING RENTALS
- APPROVAL PROCESS AND FEES

MAP ALTERNATIVE I

- VRDs ALLOWED WEST OF US 101 AND SOUTH OF US 20
- UNITS IN PROHIBITED AREAS TO BE PHASED OUT OVER TIME
- CAP TO BE IMPOSED ON AREAS WHERE VRDS ALLOWED WITH
- SPACING REQUIREMENTS FOR VRDS IN RESIDENTIAL ZONES

Legend

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

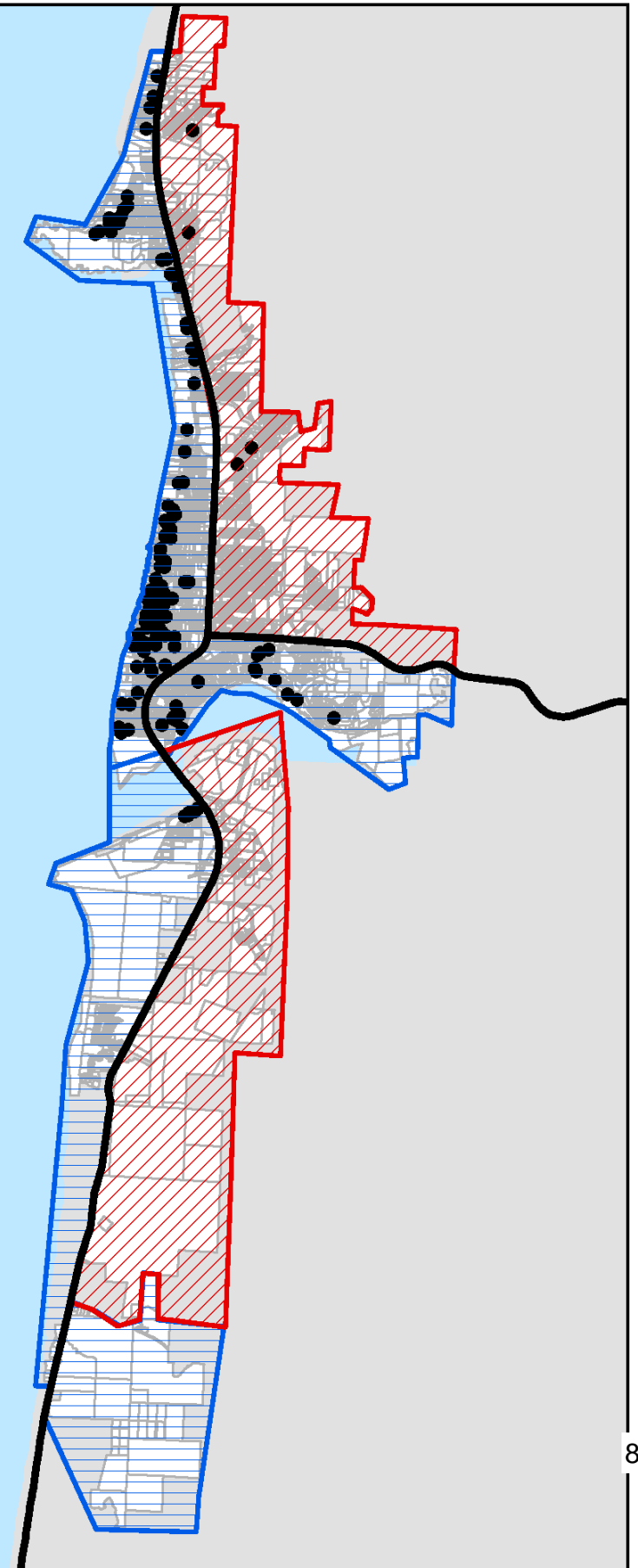
Prohibited Zone

4 Vacation Rental Endorsements
2,134 Address Points*
1,964 Taxlots*
Approx. 1,950 Dwellings
VRDs = 0.2% of Taxlots
VRDs = ~0.2% of Dwellings

Limited Zone

183 Vacation Rental Endorsements
3,944 Address Points*
5,096 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)



MAP ALTERNATIVE II

- HIGHWAY ORIENTATION SIMILAR TO MAP ALTERNATIVE I
- EXTENDS WEST OF US 101 AND SOUTH OF US 20 WHERE NEIGHBORHOODS LACK VRDs OR VRD AMENITIES
- CAP AND SPACING REQUIREMENTS TO BE APPLIED WHERE VRDs ARE ALLOWED

Legend

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

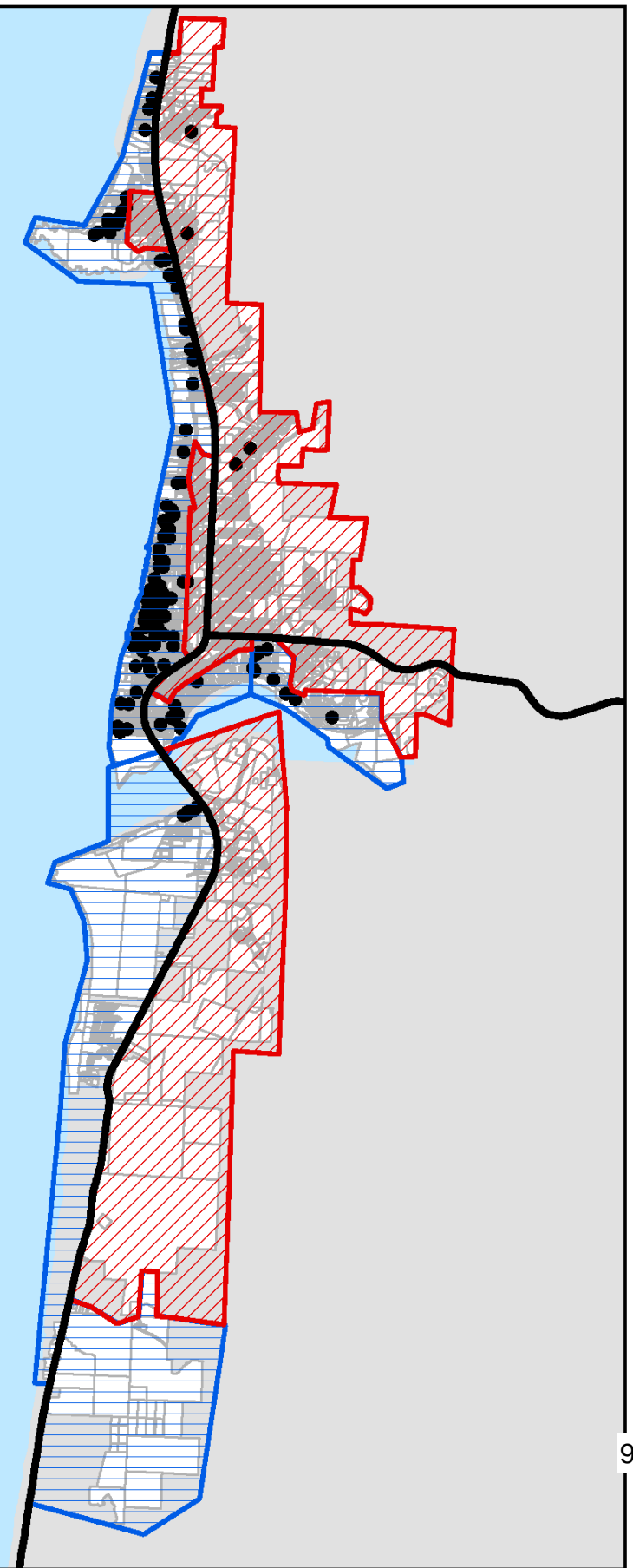
Prohibited Zone

4 Vacation Rental Endorsements
3,081 Address Points*
3,074 Taxlots*
Approx. 2,700 Dwellings
VRDs = 0.1% of Taxlots
VRDs = ~0.1% of Dwellings

Limited Zone

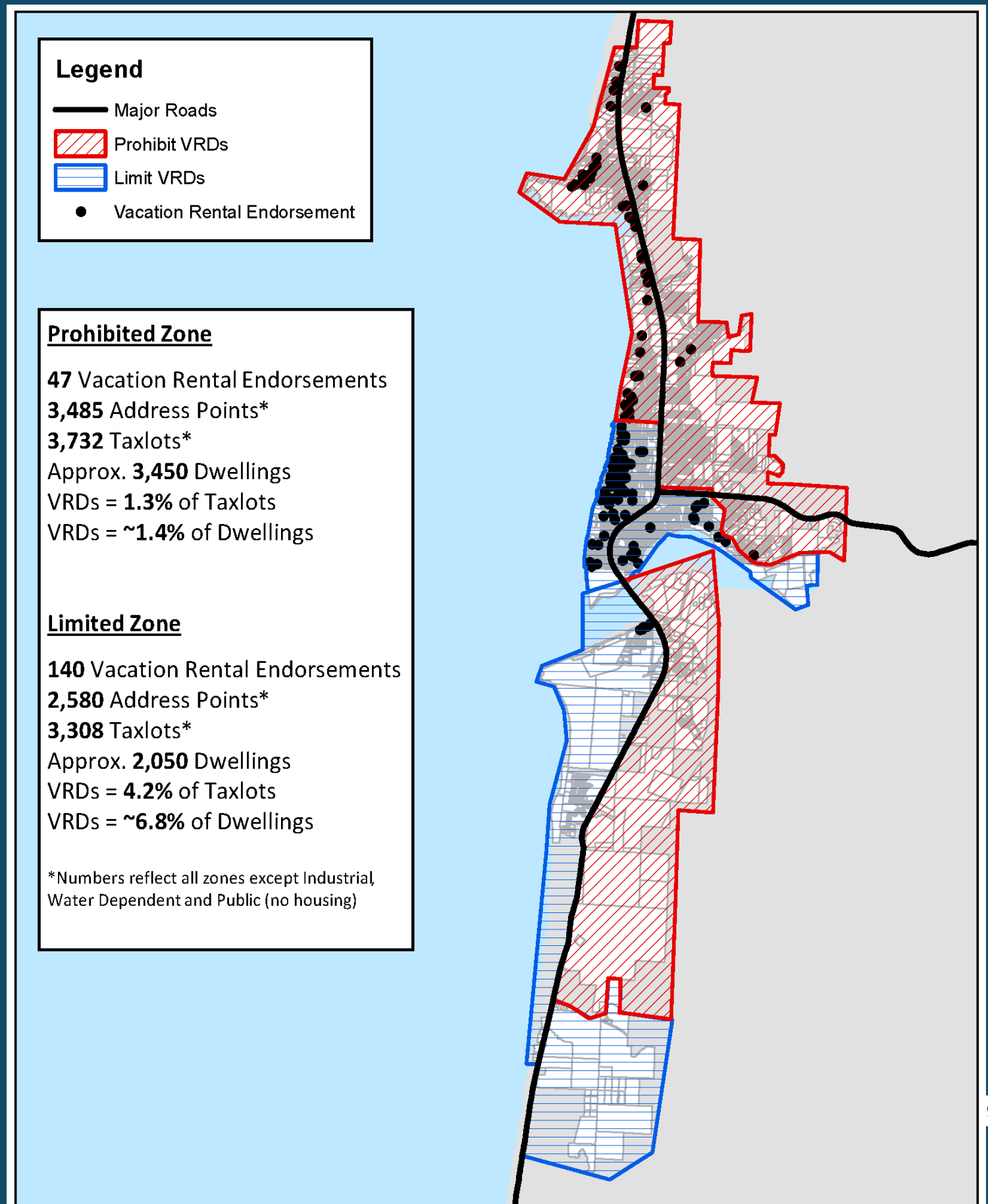
183 Vacation Rental Endorsements
2,997 Address Points*
3,998 Taxlots*
Approx. 2,800 Dwellings
VRDs = 4.6% of Taxlots
VRDs = ~6.5% of Dwellings

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



MAP ALTERNATIVE III

- LIMITS VRDs TO AREAS CLOSE TO TOURIST COMMERCIAL USES
- CAP AND SPACING REQUIREMENTS TO BE APPLIED WHERE VRDs ARE ALLOWED
- SIGNIFICANT NUMBER OF EXISTING VRDs IN PROHIBITED AREAS WHERE THEY WOULD BE PHASED OUT OVER TIME



HOST COMPLIANCE



Mobile Enabled Permitting and Registration: Mobile/web forms and back-end systems for streamlining Newport's permitting and registration processes and capturing payments, signatures and required documents



Address Identification: Online dashboard with complete address information and screenshots of all identifiable STRs in Newport's jurisdiction



Compliance Monitoring: Ongoing monitoring of STRs for zoning and permit compliance coupled with systematic outreach to illegal short-term rental operators (using Newport's form letters)



Rental Activity Monitoring and Tax Collection Support: Ongoing monitoring of Newport's STR listings for signs of rental activity. Enables data-informed tax compliance monitoring and other enforcement practices that require knowledge of STR activity level



Dedicated Hotline: 24/7 staffed telephone hotline for neighbors to report non-emergency STR problems



QUESTIONS ?

CITY OF NEWPORT VACATION RENTAL CODE UPDATE

PROGRESS REPORT

MAY 21, 2018

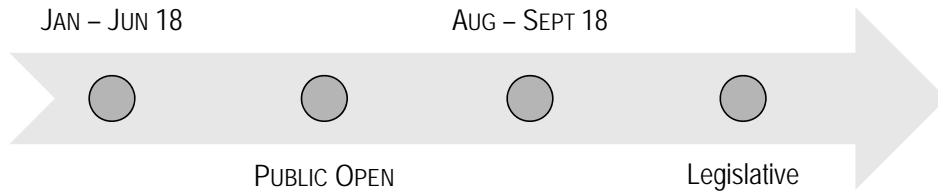
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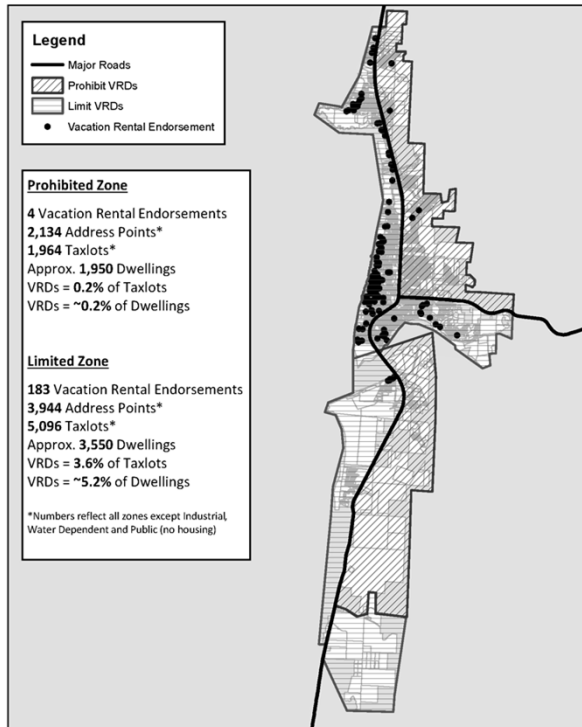
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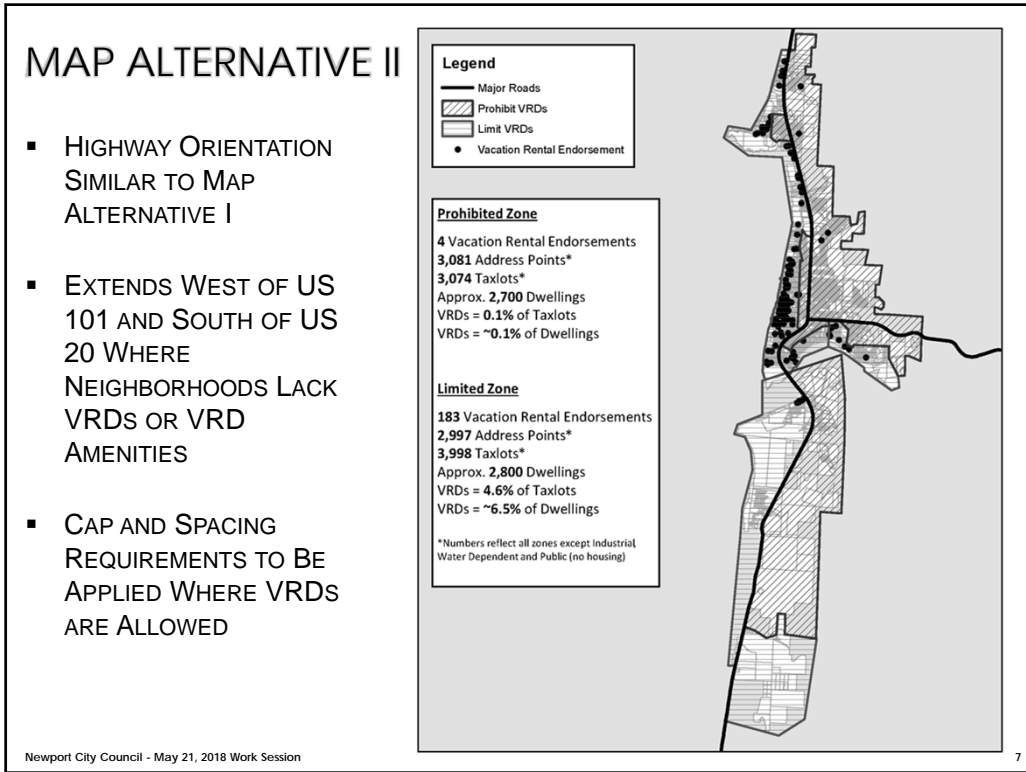
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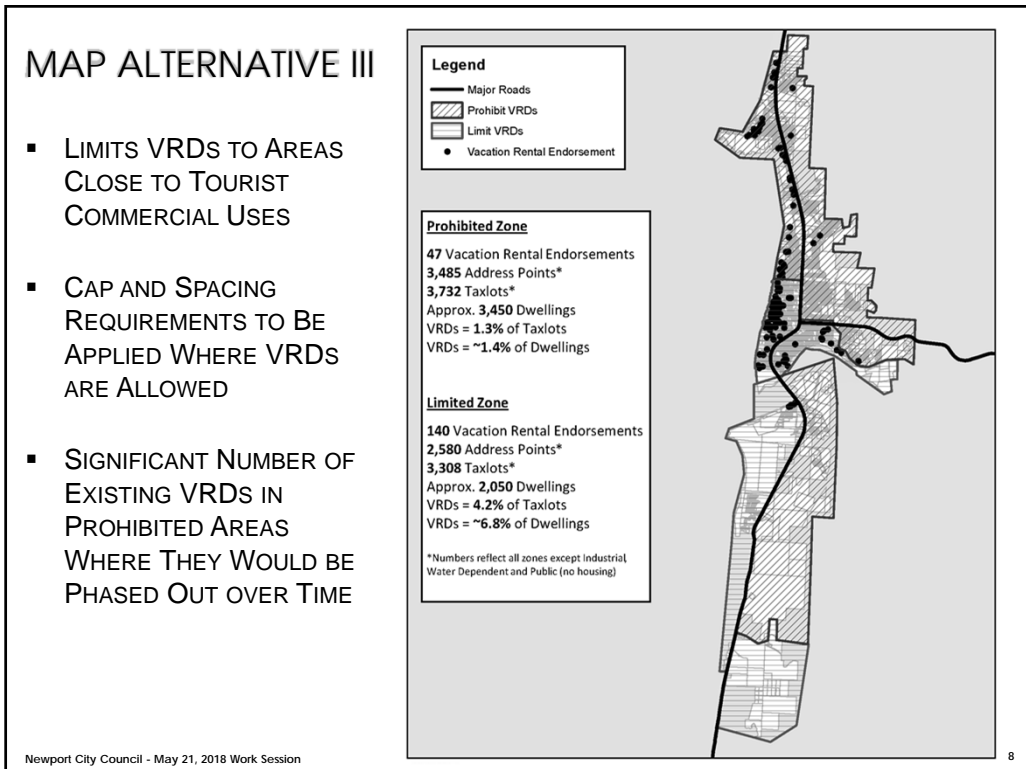
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Newport City Council - May 21, 2018 Work Session



Newport City Council - May 21, 2018 Work Session

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QUESTIONS ?

Vacation Rental Ad-hoc Committee Agenda Item Report

Meeting Date: June 13, 2018

Submitted by: Sherri Marineau

Submitting Department: Community Development

Item Type: Discussion

Agenda Section: Public Comments (10 MIN)

Subject:

Meeting Submittal from Rod Croteau

Suggested Action:

Attachments:

[Meeting_Submittal_Rod_Croteau_Why_prohibit_VRDs.pdf](#)

Why prohibit VRDs in Only Some Residential Areas?

In a previous (14 MAR 2018) written and oral presentation to this Ad Hoc Committee, Matt Fisher and I provided data to document a housing shortage across the Newport economic spectrum. While sensitive to the needs of all employment sectors, we placed our emphasis on the issues facing medical professionals, scientists, teachers, social workers, attorneys and others in similar occupations who could well serve this community if they could find housing in appropriate residential neighborhoods in which to raise a family.

It appears now that one option being considered by the Ad Hoc Committee is the prohibition of VRDs from the area north of route 20 and east of route 101, ostensibly to protect this area (largely R2, R3 and R4 zones) for work force housing. This area has a negligible number of VRDs as it is and, thus, would not seem to need further protection.

I support the general concept of protecting residential homes from transient use. However, I disagree with prohibiting VRDs so selectively in an area to protect housing for what is largely our tourism related employment sector (such as the hospitality industry, and related retail and services), without providing equal protection to other residential areas of the City and ALL employment segments of our community.

It is also important to note in this context that many R1 and R2 zoned neighborhoods outside the protected region, such as those in the Agate Beach area, contain a high proportion of “affordable housing” and thus are worthy of similar protection on that basis.

To intentionally protect affordable housing for largely tourist related employment in only one restricted area but not protect affordable housing for all permanent residents in all residential zones seems both unfair and without justifiable rationale. To proceed with this proposal for protecting the selected area for “affordable housing” will in fact result in protecting largely the tourist industry while ignoring the community housing needs of other employed permanent Newport residents. I believe that this selectivity is a bad policy option and that all residential zones should be similarly protected.

Rod Croteau
4 JUN 2018

Vacation Rental Ad-hoc Committee Agenda Item Report

Meeting Date: June 13, 2018

Submitted by: Sherri Marineau

Submitting Department: Community Development

Item Type: Discussion

Agenda Section: Public Comments (10 MIN)

Subject:

Meeting Submittal from Bob Berman

Suggested Action:

Attachments:

[Meeting_Submittal_Bob_Berman.pdf](#)

Sherry Marineau

From: Cindy Lippincott and Bob Berman <CindyAndBob@earthlink.net>
Sent: Friday, June 08, 2018 1:31 PM
To: Derrick Tokos
Cc: Sherry Marineau; 'Margaret'; 'James Hanselman'; 'carla perry'; 'simonis_110@hotmail.com'; 'Bonnie Saxton'; 'braulio.escobar@gmail.com'; 'fairhaven@peak.org'; 'dreamhomesof'; 'don@blueagate.com'; 'Bill Posner'; 'jamie@sweethomesrentals.com'; 'lauri.hines@icloud.com'; 'charboxer2@comcast.net'; 'Pam McElroy'; 'marthawinsor2@gmail.com'; 'Rodney Croteau'; 'Mike Franklin (mike@newportchowderbowl.com)'; 'Lee Hardy'; 'William Branigan'; 'Jim Patrick'
Subject: Vacation Rental Violations

Hi Derrick -

I recently found a reference to FlipKey.com, the TripAdvisor VR listing site. I decided to take a quick look at Newport listings. I did not spend more than a half-hour and scanned only about 30 listings.

I immediately found five properties that were advertising occupancy in excess of the limits in the current ordinance (assuming that the number of bedrooms listed on each webpage is accurate). One of them was not on the VR spreadsheet at all and two others were in the Embarcadero so I could not tell if they were registered.

I am copying the entire committee so they can see they the relative magnitude of the problem and hopefully find a way to address it in the new ordinance.

Here are the listings. The first two are two halves of a duplex, the third appears to not be registered. Note that all are managed by either Vacasa or Meridith Lodging:

<https://www.flipkey.com/properties/9414449/>
Bedrooms: 3 Sleeps: 9
Shown on spreadsheet as Sleeps: (4 or 8, duplex)
on Hurbert between Olive and 2nd
VACASA rental

<https://www.flipkey.com/properties/9414673/>
Bedrooms: 4 Sleeps: 12
Shown on spreadsheet as Sleeps: (4 or 8, duplex)
on Hurbert between Olive and 2nd
VACASA rental

<https://www.flipkey.com/properties/3547317/>
Bedrooms: 4 Sleeps: 12
NOT on spreadsheet
on NW Gilbert Way near NW Agate Way
VACASA rental

<https://www.flipkey.com/properties/9090635/>
Bedrooms: 2 Sleeps: 8
Embarcadero
Meredith Lodging

<https://www.flipkey.com/properties/9384841/>
Bedrooms: 2 Sleeps: 8
Embarcadero
VACASA rental

Can you or the enforcement personnel please confirm these violations and issue violation letters as necessary.

Thanks

Bob

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=====
Cindy Lippincott and Bob Berman
180 NW 73rd Court, Newport, Oregon 97365
541-265-7736 home 541-961-6395 cell
=====