

**PORT ORFORD PLANNING COMMISSION  
CITY COUNCIL CHAMBERS, PORT ORFORD CITY HALL  
HYBRID MEETING  
Tuesday, December 06, 2022  
3:30 PM**

**How to Participate:**

Tue, December 6, 2022 3:30 PM

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1. Call to Order
2. Additions to the Agenda
3. Approval of Minutes: November 01 Meeting (Pg. 3-8)
4. Announcements and Communications
  - A. Chairperson/Assistant City Planner
5. Comments from the Public (Agenda Items only) (Pg. 9-30)
6. Public Hearing- None
7. Planning Matters-
  - A. Draft Ordinance Short Term Rentals Conversation (Pg. 31-48)
    - i. Map will be in Chambers to review
8. Other Business
  - A. Announcements and Communications:
    - i. City Planner Comments
    - ii. Planning Commission Comments
9. Public Considerations
10. Adjourn

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CITY OF PORT ORFORD PLANNING COMMISSION  
 MINUTES OF MEETING  
 November 1, 2022, 3:30 p.m.  
 Regular Meeting, hybrid  
 555 W. 20<sup>th</sup> Street  
 Port Orford, Oregon

1. Call to Order.

The regular meeting of the City of Port Orford Planning Commission was called to order Tuesday, November 1, 2022, at 3:30 p.m. by Chair Nieraeth.

Those members present were: Chair Nieraeth, Vice Chair Berndt, Comm. Rossi, Comm. Thelen, Comm. Lovendahl, Comm. Melone, and Comm. Head.

City staff present were: CA Ginsburg and Legal Counsel Kudlac.

Others present: Penny Suess/Dana Gurnee

2. Additions to the Agenda: None.

3. Approval of Minutes October 4, 2022: Comm. Berndt moved to approve the October 4, 2022 minutes as amended with Comm. Rossi as second. ***Motion carried 7-0.***

Discussion: Commissioner Melone corrected the spelling of his name.

<b>Comm. Thelen</b>	<b><u>Yes</u></b>	<b>Comm. Nieraeth</b>	<b><u>Yes</u></b>	<b>Comm. Berndt</b>	<b><u>Yes</u></b>
<b>Comm. Rossi</b>	<b><u>Yes</u></b>	<b>Comm. Lovendahl</b>	<b><u>Yes</u></b>	<b>Comm. Melone</b>	<b><u>Yes</u></b>
<b>Comm. Head</b>	<b><u>Yes</u></b>				

4. Announcements and Communications:

- a. Chair Nieraeth: Chair Nieraeth is hoping to get through a public hearing in December and recommending to Council in January. The Council will likely reject and change some recommendations, so it is best not to spend too much time on small details. Chair Nieraeth reported that the City Council tabled the contract with the county code enforcement officer.
- b. Assistant Planner: CA Ginsburg reported that preparation should be finished regarding the new planner early December.

5. Comments from the public: None.

6. Public Hearing: None.

## 7. Planning Matters:

- a. Draft Ordinance Short Term Rentals – D. Kearns is not in attendance. He will be in attendance in December.

CA Ginsburg reminded commissioners that there is no need to add items to the Short-Term Rental ordinance if they are already in the general city codes.

Comm. Thelen addressed the ordinance draft stating there are items that were discussed and agreed upon that are not in the draft. Comm. Thelen suggested including some ordinance in the zoning section to include dwelling unit definitions, licenses required, and use restrictions. He suggested that be discussed today and voted on in December. He is concerned about meeting the December deadline for recommending to Council.

Planning Commissioners reviewed the Hood River Municipal Code. Legal Counsel Kudlac recalled that Attorney Kearns advised to deal with the management details in the business license realm and not in the zoning realm to take this out of the land-use process. Legal Counsel Kudlac reminded that the City of Port Orford was not going to break down vacation rentals per zone. Currently, vacation rentals are allowed in all zones. If regulated per zone, those whose rights are being reduced must have a 45-day notice. Short term rentals are not currently defined in any of the City of Port Orford codes. The current moratorium ends in January; however, it can be extended by Council.

Legal Counsel advised commissioners that they can put a city-wide cap on the number of vacation rentals that is not zone dependent. Commissioner Head reminded commissioners that Attorney Kearns warned against caps and advised to go with the density approach to regulate the number of short-term rentals. Legal Counsel reminded commissioners they can put home-share language in regulations.

Comm. Head spoke with Manzanita about their ordinance. They have to revisit their ordinance to add a density regulation to their ordinance. Comm. Head suggested if commissioners focus on this ordinance and return to zoning ordinances at a later time, caps and density can be defined at that later time.

Comm. Thelen suggested the importance of a planner looking at this ordinance prior to presenting to council. Chair Nieraeth suggested the Short-Term Rental ordinance can be reviewed by attorneys. The Zoning ordinance needs a planner. The city does not currently have a planner to review the ordinance.

Legal Counsel Kudlac suggested limiting vacation rentals within a certain amount of distance from each other in all zones. Currently Port Orford has 45 legal short-term rentals.

CA Ginsburg suggested a draft be presented to City Council soon. Feedback from the community is important to commissioners. Commissioners agree to move forward with Short-Term Rental ordinance regulations and address the zoning ordinance after the City Council and citizen feedback. The City Council will be informed of Attorney Kearns's recommendation

Definitions were reviewed.

Operator license: Business license language is elsewhere in the code. Operator license will be used to avoid confusion.

Typos recognized and corrected.

Purpose:

Help maintain the City's needed housing supply for residential use changed to City's needed long-term housing supply for residential use.

Application and Fees:

CA Ginsburg will put together an example of an application for next meeting.

Representative Information: Commissioners agree on a representative's address be within 30-minute travel time of the property.

Comm. Berndt presented Commissioners with a Good Neighbor Guidelines handout.

Commissioners agree to have the checklist for fire safety as required by Port Orford Fire Department. Commissioners agree to have Proof of garbage service as required.

Renewal Standards:

Renewal Standards will require inspections after three years of renewal. This will depend on a contract with a county code enforcement officer. The City Council will have to decide on a budget for enforcement. Application or renewal may be appealed by City Council.

Operating License and License Renewal:

Renewal Standards "no license will be renewed if fines are owed.

## Criteria for Approval of an Operating License and Operating License Renewal:

Applicant requirements to receive approval:

Zoning, Contract Information, Notice to Neighbors is agreed upon.

Health and Safety: Proof of insurance and liability was discussed, and commissioners agreed to add verbiage.

Mandatory Posting: CA Ginsburg suggested requiring a tsunami evacuation map, fire emergency safety route, fire season regulations, wastewater and solid waste instructions, emergency contact information, etc. This can be provided by City Hall upon approval of license.

Parking: One off-street parking space per bedroom is required. Parking areas should not be located in the front yard. Garages can be utilized for parking as well as a driveway. Commissioners agree to remove the statement, Parking may be permitted on another lot within 250 feet of subject property.

Additional Operational Requirements:

CA Ginsburg recommended posting the License Number in advertisements for enforcement purposes.

Complaints: Response to complaints: The licensee or representative shall respond to neighborhood questions, concerns or complaints in a reasonably timely manner. Commissioners discussed reasonably timely manner definition. Commissioners agree to open emails for complaints. Commissioners agree to “next business day depending on circumstances” instead of “timely manner.”

Inspection: Changed to read, The City Manager or designated person may conduct a site visit.

Activities that exceed noise limitations will be set by current noise ordinance code.

Enforcement process can refer to current city enforcement code.

Commissioners agree on the content of the draft. Legal Counsel Kudlac recommended sending a draft to the City Council. CA Ginsburg will communicate with Mayor Cox regarding who will hold the public hearing. The next Planning Commission meeting on December 6 can be open for public input. Public input will be included in the council ordinance packet. CA Ginsburg will send out notices to the public regarding the meeting.

## 8. Other Business:

## A. Announcements and Communications:

- City Planner Comments: None.

- Planning Commission Comments:

Commissioner Thelen would like the short-term rental applicants to be aware of the dark sky ordinance. CA Ginsburg agreed to put something regarding the dark sky ordinance, sign ordinance, nuisance ordinance, and pet ordinances in their license packet.

CA Ginsburg will put in a request to City Council to extend the short-term rental moratorium for another year.

Comm. Thelen wants to see the cap, waiting list, and distance requirement made apparent to City Council.

Comm. Rossi reminded commissioners that they tabled a variance application, etc.

CA Ginsburg advised they are with Planner Shoji.

Comm. Head is concerned about speeding on Jackson Street due to the long straight of way. Jackson is governed by ODOT for signage and speedbumps. CA Ginsburg encouraged residents to make a complaint.

Comm. Thelen expressed appreciation to CA Ginsburg for her work in putting the ordinance together. He encouraged finding a city planner soon.

## 9. Public Considerations: None.

**Adjourn: Vice Chair adjourned the November 1, 2022 meeting at 5:28 p.m.**

**Future meeting is December 6, 2022.**

Attest:

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Chair Nieraeth

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City Recorder, Jessica Ginsburg

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## Jessica Ginsburg

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**From:** Greg Thelen <gkthelen@gmail.com>  
**Sent:** Wednesday, November 30, 2022 2:29 PM  
**To:** Krista Nieraeth; Jessica Ginsburg  
**Subject:** PC meeting next week

Good afternoon Krista and Jessica,

I've been thinking about next week's meeting and wanted to share some ideas. We will likely have some folks responding to the mailing, and city council members spoke about STRs at their last meeting. I took notes at that meeting, and got a sense of what they might be wanting us to look at, along with Shayla's comments too.

It sounded like the majority of the council thought we are on track with the business portion of the ordinance, and I'm hoping it will be on our agenda again with the two points we previously agreed on—one parking space per bedroom and maximum occupancy of 14.

The issue of different standards for STRs in residential zones verses 4-C and 10-MU got some discussion at the council meeting. Parking and noise were two things mentioned. The question of parking in commercial zones may be part of a larger discussion, but the Hood River ordinance from which ours was taken makes no distinction between residential and commercial zones with regard to parking and noise.

Shayla talked about the zoning portion of the ordinance and said it was not a difficult piece to incorporate. She also said it is important to know where and how many STRs we have, and again asked for those numbers. Councilors were mostly supportive of a cap and non-transferability in residential only—a maximum of 45 was mentioned, along with a waiting list. Distance requirements for new STRs were supported, as were homestays.

Counselors wanted clearer language for the 3 year renewal process. Recertification was suggested. We might also call it an application or license update.

I suggest that the city provide a way for owners to have more time to come into compliance with required parking spots so that it is not an undue burden as Hood River has done in their zoning code.

Other points mentioned:

- Councilors wanted to make sure this ordinance is enforceable.
- Liability insurance was both supported and not supported.
- A limit on daytime capacity instead of naming the type of events not allowed.
- Wind and animal proof garbage containers.
- In 05.05.090 A. that "reasonable" be changed to 4 to 6 business days.
- That occupants are told "these rules are enforced by the city"/ e.g. "there is a legal requirement for citizens to take out trash".
- Shayla mentioned that in other places licenses get pulled for violations.
- Guidance on a fee structure

At the meeting, the mayor suggested there might be a workshop with Mr. Kearns. I'm not in favor because I think it would quickly get out of hand with regard to time and money spent.

I would like to ask Mr. Kearns if he can help with language to accomplish the following:

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- Cap on STRs in residential determined by City Council
- Homeshares in residential not subject to Cap
- Waiting list if there are more requests than Cap
- Grandfathering of existing STR's until transfer if there are more than the cap, along with a definition of what is legally existing
- Amortization period for parking compliance if necessary

Greg

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A wise man can always change his mind.... --Verda Thelen

**Jessica Ginsburg**

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**From:** John Roorbach <john.roorbach@yahoo.com>  
**Sent:** Tuesday, November 29, 2022 3:48 PM  
**To:** Jessica Ginsburg; Gary Burns; Ann Vileisis  
**Subject:** Observations and Comments for the Dec. City Council Workshop or Council meeting re: STVRs

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

Given the number of typos and poor self-editing of my first email, here is the final.  
 Mia culpa! JR

Hello All,

I wish you well in this endeavor, it's pretty big.

Port Orford currently has 751 houses, 433 owner occupied, 153 renter occupied and of the available rental units there 45 STVRs (about 6% of the 751 houses). Of that 751 there are also a number houses listed as owner occupied houses that are only occupied for several weeks a year, impacting the town's businesses, but how many?.

I understand that your meeting will be for solely considering permits for STVRs in residential zones, but the density of them in any area might be considered as well. For example, there are already about 12 STVRs in the 10-MU zone.

I hope the questions and observations are clear and simple.

My opinion: An increase from 45 to 90 STVRs may benefit local businesses and tax revenues but it will it drive up the cost paid for rental units across the board, except for state or federally-assisted rental units. This will mean there is less availability for low and middle income wage earners who live in Port Orford and who keep the City moving.

Perhaps important to consider as well is the average amt. of water currently used by STVRs and doubling that in deciding the number of STVRs the Council will permit. Consider our water resources and the possibility of drought this next year.

Below are some of the regs in the permit for an STVR in Yachats:

Prohibit transfer of a license to either heirs or buyers of a vacation rental property.

Not allow a buyer of a vacation rental property to apply for and immediately get a city license.

Allow people holding but not using a vacation rental licenses to renew them.

Require applications for new vacation rental licenses for homes in residential zones to go through a conditional-use approval process with the Planning Commission.

Raise fees to \$150 for the first vacation rental inspection and to \$100 for any subsequent re-inspection and require those every two years.

Establish a waiting list of some sort (date for Port Orford to be determined) on Feb. 1, 2020, 30 days after new licenses go into effect.

Agreed to a more than doubling of yearly license fees to \$500 to \$900, depending on the number of bedrooms.

Agree to require licenses for people renting out a bedroom or two for short-term stays, but not put any restrictions on rentals longer than 30 days.

Not put restrictions on large gatherings at vacation rentals, instead responding to complaints about parking or noise using current city codes.

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Tough decisions are always a trade-off and the City must find the common ground to accommodate its current citizenry, as well as investing in growth and development.

Thank you for considering my comments.

John Roorbach

*Always with Loving-kindness!*

**Jessica Ginsburg**

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**From:** Bob Bryson <auminr@yahoo.com>  
**Sent:** Thursday, November 24, 2022 12:27 PM  
**To:** jginsburg@portorford.org  
**Cc:** Helen Wells Kreuzer  
**Subject:** STR ordinance comments as pertaining to residential CC&R Declarations

Jessica Ginsburg and Members of Planning Commission,

We are appreciative and impressed with your work on the proposed Short Term Vacation Rental (STR) Ordinance and have but one suggestion for improvement, as well as one question.

We live in a residential subdivision within the Port Orford City limits. Our subdivision has in place Covenants, Conditions and Restrictions (CC&R) for the purpose of enhancing and protecting the value, desirability and attractiveness of the properties. **We would like to see specific language added to the STR ordinance prohibiting approval of an STR in subdivisions governed by CC&Rs that prohibit commercial business activity.** This language could be included in "Criteria for Approval" section 05.05.080 - B.-a "Zoning".

Our one question is about definitions of different types of STRs. The proposed ordinance defines hosted home share as the transient rental of a portion of a dwelling while the homeowner is present, while a vacation rental is defined as the transient rental of an entire dwelling. Is there a potential loophole for the transient rental of a portion of a dwelling while the homeowner is not present? Would it be clearer to define a vacation rental as a transient rental of all *or* a portion of a dwelling while the homeowner is not present?

Thank You,

Bob Bryson and Helen Kreuzer  
580 Boot Hill Road  
Port Orford, OR 97465

**Jessica Ginsburg**

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**From:** jb123 jb123 <yummyumtree123@hotmail.com>  
**Sent:** Thursday, December 1, 2022 2:22 PM  
**To:** jginsburg@portorford.org  
**Subject:** STR

Dear Ms. Ginsburg

As a property owner in Port Orford who pays around \$7000/year in property taxes, I have an opinion about the City's attempt to diminish my property rights without compensation:

I AM 100% AGAINST THIS GOVERNMENT CONFISCATION OF ANY PROPERTY RIGHTS THAT ARE ENJOYED BY MYSELF AND MY FELLOW PROPERTY OWNERS.

IF THE CITY IS GOING TO TAKE OUR RIGHTS AND ENTITLEMENTS THEN THE CITY SHOULD BE EXPECTED TO COMPENSATE US FOR THE REDUCTION IN THOSE RIGHTS AND ENTITLEMENTS.

SURELY THE CITY FEELS THERE IS SOME VALUE ATTACHED TO THESE RIGHTS AND ENTITLEMENTS WHICH IT WANTS TO TAKE FROM US.

I WOULD LIKE TO KNOW WHAT THAT VALUE IS, AND HOW THE CITY IS GOING TO MAKE CERTAIN I AND MY FELLOW PROPERTY OWNERS ARE GOING TO BE COMPENSATED FOR THIS PROPOSED TAKING OF OUR PROPERTY.

I would like to say that this has taken me completely by surprise.

I would like to know who this taking of our property rights is going to benefit.

Surely the community of Port Orford benefits from tourism. In fact it would benefit from MORE tourists, not fewer. Port Orford has a couple of dingy motels to offer tourists. Private houses serve an important function in providing tourists with comfortable housing choices.

If businesses are finding housing difficult to provide their employees, I would suggest that the problem rests with them...they should be paying their employees a living wage, so their employees can afford suitable housing. And indeed if they compensating their employees adequately, there might even be builders who would come into town and build new housing stock.

This taking of STR rights and entitlements which existed at the time everyone who purchased property prior to 1/1/22 when the City decided to take our property rights and entitlements is likely unconstitutional. I think the city ought to be spending its energy on doing something positive for the community like improving the failing water system, not engaging in the taking of property rights.

Sincerely  
Jeffrey Baird

Sent from my iPhone

**Jessica Ginsburg**

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**From:** jill botts <jillbotts@att.net>  
**Sent:** Tuesday, November 22, 2022 3:40 PM  
**To:** jginsburg@portorford.org  
**Subject:** Short term vacation rental

My husband and i own a house on 8 th street off of Jefferson since 1999. Although we will not rent it out , we support short term rentals in Port Orford. Take a look at Bandon... there are many short term rentals there and Bandon is thriving. It is a way for your city to have businesses.... And not the tent city that was just proposed. If you want businesses to come back this would be a great way to have tourists in this town. People may say that it will make rents higher for the locals but what about people who could spend a week or two with their relatives and make extra money for themselves as a short term rental. The house next to us in Jefferson has been doing that as it is their second home and it has caused no trouble Fred and Jill Botts

Sent from my iPhone

**Jessica Ginsburg**

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**From:** Pes Cador <2manyfishtocatch@gmail.com>  
**Sent:** Monday, November 21, 2022 7:13 PM  
**To:** Jessica Ginsburg  
**Subject:** STR Ordinance Proposal

November 21, 2022

Attn: Jessica Ginsburg  
City Administrator  
Port Orford, Oregon

Regarding STR Ordinance:

My wife and I have owned a city lot in Port Orford for over thirty years with the hope of building a small house on it during our retirement.

**I am strongly in favor of having very strict restrictions on short-term rentals in Port Orford.**

We need strict, enforceable rules in order to protect the livability of Port Orford. We also need someone who has the authority, diligence, and budget to fully enforce the rules. Otherwise, I'm afraid Port Orford will become a far less attractive place to live for regular families. The people who support more and more STR's will always come up with some justification for allowing these businesses, and will falsely claim that these businesses don't harm the livability of the area for average families. I don't believe these arguments. We need to protect our city and strongly limit STR's.

Sincerely,  
Doug Calamar



**Jessica Ginsburg**

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**From:** Julie Thomas <julie333julie@yahoo.com>  
**Sent:** Friday, November 18, 2022 11:26 AM  
**To:** jginsburg@portorford.org  
**Subject:** STR Meeting

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

Hi, I plan on attending online. We fell in love with Port Orford and would love to have a 2nd home there! My business is out here in CA. but my dream home location is in Port Orford Oregon. A short term rental would allow me and my family to live our dream. I view the world as everyones piece of paradise and would not like to deny anyone from living their dreams as long as they are respectful of the community :)

I have moved to another home in Apple Valley, my new Address is 12365 Yorkshire Drive Apple Valley, CA 92308. Thank you so much for reaching out to me, Thank you Julie

**My Website**

**Julia Thomas Real Estate**  
**760-553-3857**

**DRE# 02029761**

AGIO Reil Estate Inc  
20440 US HIGHWAY 18,  
Suite 103 Apple Valley, CA. 92307

**Jessica Ginsburg**

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**From:** suelanglois@aol.com  
**Sent:** Thursday, November 10, 2022 1:03 PM  
**To:** jginsburg@portorford.org  
**Subject:** Short Term Rental Ordinance

Dear Jessica,

I was born and raised in Curry and m. Coos County and am aware of the need for long term housing. This year I purchased property in Port Orford to be used as long term rental property. Whereas I have been successful in keeping them primarily as long term, I am learning it is difficult to coordinate close move in and move out dates for renters. It is during this time that it would be financially helpful to allow short term rentals in the interim.

This being said, I would appreciate it if there could be a compromise so that long term rentals could be allowed to provide short term housing...perhaps 30-45 days per year. This would seem to be beneficial to both the city and to the landowner.

The city would receive the 7% payment for short term rentals and the rental income would help defray mortgage, utility, etc. bills for the owner.

I can be reached at 541 661 0739 for questions or discussion. Unfortunately, I will be out of town on December 6 or would attend the meeting in person.

Thank you for your consideration,  
Sue Sweet

**Jessica Ginsburg**

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**From:** Julie Mason <julesnsmiles@yahoo.com>  
**Sent:** Thursday, December 1, 2022 11:35 AM  
**To:** jginsburg@portorford.org  
**Cc:** Julie Mason  
**Subject:** Comments on STR ordinance

Hello Jessica,

Here is my comment on STR. Section C Notice to neighbors: Annual Mailing or posting

The 250 foot notification range is ok for direct neighbors but does not help in areas where sound and noise carry, like over water. There should be some other way for affected neighbors more than 250 feet away can get the contact info for a STR property. I understand there may be a public posting on the property with the information but if they do a mailing others will not have access to that information.

Also I am still waiting on my records request. Could you let me know what is going on?  
And I could not find the 'Good Neighbor Guidelines'. Can you direct me to where they are?

I look forward to hearing from you.

Julie Mason  
925-628-6554

*Laugh more. Bark less.*

**Jessica Ginsburg**

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**From:** Paul Roy <proy3030@yahoo.com>  
**Sent:** Thursday, December 1, 2022 11:06 AM  
**To:** JGinsburg@portorford.org  
**Subject:** Short Term Rental (STR) Ordinance

Good morning Ms. Ginsburg,

In regard to the recent correspondence dated November 4, 2022, please accept this email a comment to the impending STR ordinance.

Having recently relocated to the City of Port Orford from my previous residence in Arizona and having been in neighborhoods with several STRs, I am pleased that a thoughtful solution is being sought for the issue.

Although STRs are, and will continue to be, an important source of income in supporting the City and STR owners, the key is to regulate the STR industry to insure minimal impact on the local culture and City resources. It is no doubt that the largest issues in the STR market is the affect on the local neighborhoods and the drain on local resources especially that of law enforcement. When considering the available amenities and demographic of Port Orford (average age of 61 per [Data USA](#)) it is clear that a reasonable amount of STRs and proper regulation is needed to preserve the existing culture of the City.

After some research into the various Cities that have developed regulations of STRs my recommendations for basic STR regulation are the following:

- Define an STR
- Each STR should be permitted to operate with the permit fees ample in covering City costs for administration with clear expectations and resulting action should owners fail to meet those requirements.
- STR owners should provide all contact information including the 24/7 phone numbers.
- Limit STRs in each particular neighborhoods (Bend, OR has established that there can only be one STR within a 500 foot radius)
- STR owners should provide communication to adjacent property owners with contact information
- STR owners should provide information to all rental customers regarding expectations and neighborhood culture.
- Adequate parking and trash removal requirements should be required for each property.

Some larger, known destination communities, have opted to utilize STR regulations to further extent due to local needs and expectations which may, or may not be of interest to the Commission or City Leadership.

Thank you for the opportunity to contribute.

Paul Roy  
1059 13th Street

**Jessica Ginsburg**

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**From:** Alison Cebula/ Adam Hutchins <raptorousduo@gmail.com>  
**Sent:** Wednesday, November 30, 2022 10:42 PM  
**To:** jginsburg@portorford.org  
**Subject:** STR Ordinance Comments

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

Dear Jessica Ginsburg,

Please share the comments below with the Planning Commission at the meeting on December 6, 2022.

Thank you.

Alison Cebula and Adam Hutchins

To the Planning Commission  
RE: Short Term Vacation Rental (STR) Ordinance

Dear Members of the Planning Commission,

We own a home in Port Orford, and although we don't yet live there full time, we look forward to the day when we will be a part of your beautiful and friendly community. One of the many things we love about this community is the variety of local businesses and thriving schools that support the residents.

Regarding your consideration of a Short Term Vacation Rental (STR) Ordinance, we wish to share our comments and experience.

We currently live in a small coastal community in northern California that shares some similar history as Port Orford. Our local economy once depended on commercial logging and fisheries. Growing up there, I learned that our mills and harbor supported many families and built our town. However, for complicated reasons, these industries declined in recent decades.

Our rugged coastline and remote town attracted tourists to our beaches, parks, and forests. The area became a popular weekend and vacation destination. Our community began a shift towards the service industry and recreation, with the development of motels, restaurants, gift shops, bed and breakfast inns, and vacation rentals. These jobs tend not to offer high wages or benefits, and many families, especially younger people, left the area to find better work. Those that stayed, such as myself, found it more and more difficult to afford property and homes. Fewer and fewer long-term rentals were available and the cost of rentals skyrocketed.

More recently, the online vacation rental platforms such as AirBnB, Vacasa, and others have made the situation even worse. Our community faces a critical housing shortage. Investors with cash purchase some of the few properties that are available and immediately turn them into short term vacation rentals. Employers in our area can't fill job openings, because prospective new employees can't find housing.

No doubt much of this information is known and familiar to the members of the Planning Commission and the community of Port Orford. While offering short term rentals can be a legitimate form of income for some

property owners that may or may not live in the community, we would encourage you to think about the potential negative long-term impacts to the Port Orford community, especially the younger generation.

We hope you will recommend limiting the number of short term rentals permitted to operate within the city of Port Orford and consider what kind of community you wish to build and support in the future.

Thank you for this opportunity to comment.

Sincerely,  
Alison Cebula and Adam Hutchins

**Jessica Ginsburg**

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**From:** Steve Montana <stevemontanamusic@icloud.com>  
**Sent:** Wednesday, November 9, 2022 7:43 PM  
**To:** jginsburg@portorford.org; Ann Vileisis; pcox@portorford.org; gburns@portorford.org  
**Cc:** jgarratt@portorford.org; claroche@portorford.org; lkessler@portorford.org; tpogwizd@portorford.org; gtidey@portorford.org  
**Subject:** Dec.6 STR planning commission packet addition

Dear Planning Commission and Council Members,

I wish to thank you for your work and attention to the issues in town hall today, Dec. 6.  
 Please read the following to town hall attendees in my absence this day :

As a musician who experiences the ironic joy of singing the blues,  
 I've recorded a banjo song and lyric inspired by the summer Water Shortage and STR issues.

Here are the words, you may email me for the banjo tune at  
[darkskycoast@gmail.com](mailto:darkskycoast@gmail.com)

Yours with respect, Steve Montana 25 Hamlet Street

( Council may play some of song into microphone and sound system if desired,  
 click the Google drive link )

[https://drive.google.com/file/d/1GBGejQU6iMr0pa\\_9psRD2lXx5-xODyGv/view?usp=drivesdk](https://drive.google.com/file/d/1GBGejQU6iMr0pa_9psRD2lXx5-xODyGv/view?usp=drivesdk)

**I like the moon, I like the stars, but I'm not so sure about those STRs  
 VRBOs, short term vacation rentals.....**

**We're locals, full time residents in our lovely coastal town  
 We've got the ocean, rivers, lake and wetlands, water flowing under ground  
 But now in every neighborhood those short term rentals are found  
 Wasting precious water, you can hear that sucking sound, down those**

**Shower drains, ShortTermVacationRentals, auto dishwasher VacationRentals  
 wash your car VacationRentals  
 Infrastructure big sucking sound from the  
 Drinking your espresso STR, fill up that jacuzzi STR,  
 Not so amusing STR,  
 Water pipes are breaking all over town  
 And that wasteful sucking sound**

**Using precious treated water during your short stay  
 The owner of that VRBO lives somewhere far away, LA?**

Taking our resources , and leaving us to pay  
 No doubt you heard about the drought  
 And troubles on the way

Shower drains, ShortTermVacationRentals, Flush that Toilet, VacationRentals  
 Dump the RV sewage, STRs, excess usage STRs  
 Wash your car VacationRentals  
 Infrastructure big sucking sound from the  
 Drinking your espresso STR, fill up that jacuzzi STR,  
 Not so amusing STR,  
 Water pipes rusting down in the town  
 And that wasteful sucking sound

It's hard to know your neighbors when their faces change each day  
 A weekend party went all night you could hear those rap tunes play, then  
 They filled their gallon jugs with the hose and quickly drove away  
 But here comes Texas, Nevada, Utah, and next to you they'll stay, wasting  
 Water...Short term vacation rentals,

taking long showers VacationRentals  
 up at all hours, VacationRentals

Using lots of water and the sucking sound of the  
 Pumps filling up their RV reservoir,

washing the dirty Winnebago floor,  
 we all know what they're all coming for,

the STR but we don't need more

But the water pipes are breaking down in the town  
 and that wasteful sucking sound.

P.S. pardon the possibly inappropriate irony and cynicism but you get my drift,  
 thank you



To: Port Orford Planning Commission  
 via email to Jessica Ginsburg, City Administrator  
 December 1, 2022 (at 11 a.m.)  
 From: Penny Suess  
 Regarding: DRAFT Short-Term Rental Operating License Ordinance

I commend the commissioners for their work on the ordinance, which is well thought out. My greatest concerns are these, keeping in mind that the rights of vacation rental businesses should not take precedence over the rights of residents to peaceable enjoyment of their homes – also a property right.

1. Short-term rentals (STRs) must not be allowed in residential neighborhoods (1-R and 2-R), except for fully regulated Hosted Home Share properties.
2. Enforcement of nuisance complaints by the city must be rigorous, in order to ensure safety, welfare, and reasonable peace and quiet for permanent residents and other property owners. In order to enforce, the City must know who is responsible! It is imperative that all owners, agents, and managers be known and provide good contact information.
3. For all short-term rental types, off-street parking is a must. Many streets in Port Orford are too narrow for unrestricted on-street parking. Example: The south end of Deady Street, where I live, which is not even a full two lanes wide. The street has no shoulder at all on much of the west side (zoned 10-MU) due to a steep dropoff and homes close to the street. Street parking on the east side (1-R) requires at least partial obstruction of the pavement – which is at most 20 feet wide. There is barely room to for two vehicles to pass safely.
4. Events on the premises of STRs must be prohibited – unless the City creates a separate license, regulations, and enforcement for that purpose. Please don't relax this requirement!

Specific major issues that need attention are listed below in the order that I find them in the ordinance. Underlined words indicate change to the language.

**05.05.020 - Purpose (E)** “Full-time short term rentals” is confusing. Would an owner whose property is available only intermittently throughout the year be exempt from limitations? “Full-time” must be better defined or it should be deleted.

**05.05.030 - Definitions** Correct numbering from 13.05.030.

**Hosted Home Share** Add that the owner must be staying in the home during each night that any part of the dwelling is rented.

**Owner(s)** Should be changed to “all persons who have an interest in that business entity shall be considered an owner.”

**05.05.060 - Term of Annual License and Transferability (A)** Strike “may be renewed annually for up to three years,” unless it is explained why three years is specified. Does it mean that a licensee has to quit the business after three years? Add this: “If there is a change of authorized agent or of any ownership interest during the operating license period, the licensee shall notify the City ...”

**(B) Transferability** Every effort must be made to record the names of all owners on an approved STR license, including all principals in an LLC, etc. For corporate investors (LLCs and the like), this is especially relevant, because stealth transfer of an STR license could take place through additions, deletions, and other changes at this level. Also, fractional vacation ownership is a growing portion of the market, and it may involve many separate, farflung individuals sharing a property.

**05.05.070 - Operating License and License Renewal (B) (a)** “Existing short term rentals must apply for an operating license immediately upon this ordinance taking effect, but may continue to operate ...”

**(C) Renewal** What does “annually for up to three years” mean? What happens after three years?

**(D)** Shouldn't it be “may be appealed to the Port Orford City Council”, not by the Council?

**05.05.080 - Criteria for Approval (C) (c)** Does Curry Transfer offer assisted pickup for residences?

**(F) Parking** I urge you to require one hard-surfaced parking space for each bedroom.

**05.05.100 - Violations (D)** Failure to comply ... I do not find these sections 5.10.080 and 5.10.090 in the Municipal Code. Should they be written as 5.05.080 and 5.05.090? There are other mentions of Chapter 5.10 in sections following, including Penalties and Appeals. Maybe this is a new section that doesn't appear in the online Municipal Code yet?

Thank you for this opportunity to provide feedback.

*Penny Guess*  
834 Deady Street  
Port Orford

City Council and/or Planning commission,

12/1/2022

Hello, My name is Christina. My background is real estate and my husband, Matt is an electrical and general contractor.

We have been coming up to the Oregon Coast for over 20 years now. We purchased a home on the lake in October of 2021. Our intention is to relocate and move up here permanently within the next 2-3 years. In the meantime we still want to be able to enjoy the home with our family while offering the short-term rental option to make some income to offset our costs.

We have many concerns about a governmental agency stepping in and dictating what we can and cannot do with our property. We understand and agree that condition and health and safety regulations need to be followed when the property is offered for rent to the public. But, it seems like vacation rentals would be the only properties subject to these conditions. Long term rentals need to be held to the same health and safety standards. As far as ensuring "compatibility" of residential neighborhoods; what is the difference between an owner using it as a vacation home and someone renting it out for the weekend? It's still residential use.

The restriction of vacation rentals has many ramifications:

- It takes away much needed revenue from the City. This town is dependent on visitor income, "new" money. These visitors spend money at the local restaurants, gift shops, grocery stores, the gas station and at the businesses that cater to vacationers – Pineapple Express for biking, South Coast Tours for kayaking and whale watching, and the many fishing charters.
- Decrease in property values – when restrictions are put on the use of a property buyers will look elsewhere. If properties aren't being bought and sold that affects real estate agents, property managers, contractors and repair companies, the local hardware stores.
- Decrease in job opportunities – house cleaners, yard and waste services and again real estate agents, property managers, contractors and repair companies.

With our ongoing remodel we are using contractors, repair companies, buying material from the local hardware stores and gardening businesses. Patronizing the restaurants. Filling up gas. Paying permit and trash disposal fees. Creating revenue that trickles down to the employee, the local citizen. I was looking over our tax bill and calculated that 43% of that revenue goes directly to the schools. Those taxes also give the town the ability to have the 4 or 5 police officers on staff. We have injected "new" money into this community. We are vested in seeing this town not only survive, but thrive.

A town of 1200 people alone cannot support these businesses. Just within this past year we've seen two more businesses shut down – One Lump or Two and Griff's on the Dock. Businesses and homes will remain vacant, creating blight in the community. Without "new" money and revenue coming into town and a consistent, viable income for residents this town can't survive.

Restricting the use of a property as a short-term rental will not open up more properties for long term rentals. The real root of the long-term rental issue is that Port Orford is not attractive to an investor at this point. What investor is going to invest in a town that can't keep businesses open and a consistent income for employees? Taking away all the revenue that vacation rentals provide is not going to solve the issue.

We ask that you please consider the many benefits of allowing owners to offer vacation rentals. The ramifications of limiting these rentals could be the nail in the coffin for this town.

- Matt and Christina Teeple

**Questions/Comments for City Council and Planning Commission:**

- What is the current percentage of vacation rentals that hold licenses? Out of this percentage how many are active vacation rentals? This data is necessary in order to establish why a moratorium was put into place originally and why there is a proposal to limit licenses.
- What complaints if any have been made against the current pool of vacation rentals? Again, why was a moratorium put into place?
- How will you regulate those that have a license but are not actively using it? Timeframe for non-use? We have a neighbor that has rented out their home as a vacation rental for 7 or so years and has now relocated and moved into it full time. They have stated that they will continue to keep their license active "just in case". How will this situation be regulated? This takes a license away from a property owner that wishes to use their home as a vacation rental.
- How will it be made equitable to new owners to obtain short term licenses if limits are put on the quantity of licenses issued?
- How often are these vacation properties rented? Port Orford isn't a high traffic town. It shuts down practically between Thanksgiving and February. Realistically, the bulk of visitors/overnighters is during the few summer months.
- Logistically how will the renewal/application period be feasible on June 30<sup>th</sup>? What if the "limit" of licenses has been reached? The summer months always tend to be high season for vacation. If a license isn't renewed and/or approved the owner will need to cancel all bookings from July 1<sup>st</sup> through the following June. Many people book their summer vacations in December and January. It's hard enough to run a business much less have it become month to month. If owners are having to cancel bookings that creates bad business for the town of Port Orford. Vacationers will go to another town.
- What is the reasoning for not being able to transfer a license to new owner? This will affect the salability of homes.

**Jessica Ginsburg**

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**From:** Doug and Jill Calamar <djcdjc@charter.net>  
**Sent:** Wednesday, November 30, 2022 12:07 PM  
**To:** jginsburg@portorford.org  
**Subject:** Short Term Rental Ordinance Proposal

I am a property owner in Port Orford. I'm writing to let you know that I strongly support very, very strong limits and enforcements on short term rentals, VRBO's, AirB&B's etc. Many coastal cities have adopted very rigorous rules because the STR's have negatively impacted residential neighborhoods (noise, parties, parking, garbage, strangers coming and going...). They also make it very hard for normal working locals to find affordable housing. Another issue is that the vacationers often bring their own food and supplies and do not necessarily support local businesses, motels, restaurants and groceries. Also, many STR's are unlicensed and do not pay required fees and taxes. Please work hard to keep Port Orford the wonderful city that it is and not another tourist trap.

Sincerely,  
Jill Calamar =

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ORDINANCE NUMBER \_\_\_\_\_

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF PORT ORFORD**

The Common Council of the City of Port Orford hereby ordains that the following Ordinance \_\_\_\_ be adopted for Short-Term Rental Operating Licenses

**CHAPTER 5.05**

**SECTIONS:**

<b>05.05.010</b>	<b>Title</b>
<b>05.05.020</b>	<b>Purpose</b>
<b>05.05.030</b>	<b>Definitions</b>
<b>05.05.040</b>	<b>Annual Short-Term Rental Operating License Required</b>
<b>05.05.050</b>	<b>Application and Fee</b>
<b>05.05.060</b>	<b>Term of Annual License and Transferability</b>
<b>05.05.070</b>	<b>Operating License and License Renewal</b>
<b>05.05.080</b>	<b>Criteria for approval of an Operating license and Operating License Renewal</b>
<b>05.05.090</b>	<b>Additional Operational requirements</b>
<b>05.05.100</b>	<b>Violations</b>
<b>05.05.110</b>	<b>Penalty</b>
<b>05.05.120</b>	<b>Appeals of Short-Term rental Operating License Determinations</b>
<b>05.05.130</b>	<b>Discontinuance of Short-Term Rentals Occupancy.</b>
<b>05.05.140</b>	<b>Remedies not exclusive</b>

**05.05.010- Title:**

The provisions of this chapter are intended to authorize and regulate the short-term rental of residential dwelling units on all property within the City of Port Orford. There is added to the City of Port Orford Municipal Code Chapter 5.05 entitled Short-Term Rental Operating License and those sections and subsections set forth below.

**05.05.020 - Purpose:**

This Ordinance provides reasonable and necessary regulations for the licensing of short-term rentals of residential dwelling units in order to:

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Short- Term Rental Operating License

- A. Ensure the safety, welfare and convenience of renters, owners and neighboring property owners throughout the City of Port Orford.
- B. Balance the legitimate livability concerns with the rights of property owners to use their property as they choose.
- C. Recognize the need to limit short-term rental options within the neighborhoods to ensure compatibility, while recognizing the benefits of short-term rentals in providing recreation and employment opportunities, as well as transitional housing and business related short stays.
- D. Help maintain the City's needed long term housing supply for residential use.
- E. Protect the character of the City's neighborhoods by limiting the number and concentration of full-time short term rentals in residential zones. In the adoption of these regulations, the City finds that the transient rentals of dwelling units has the potential to be incompatible with surrounding residential uses. Therefore, special regulation of dwellings listed for transient occupancy is necessary to ensure that these uses will be compatible with surrounding residential uses and will not materially alter the neighborhoods in which they are located.

A short-term rental license is a permission to operate a short-term rental in accordance with this chapter. An operating license may be terminated or revoked if the standards of this chapter are not met or the dwelling is sold or otherwise transferred as defined in this chapter. This chapter provides an administrative framework for licensing the annual operating of a short-term rental.

The regulations of this code are not intended to permit any violation of the provisions of any other law or regulation.

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Short- Term Rental Operating License



Exemption of a use from the provision of this chapter shall not exempt the use from other applicable provisions of this Code.

### **13.05.030 - Definitions:**

In the case where a definition of a term is found to be in conflict with a definition or term in any other City ordinance or regulation, the more restrictive definition shall apply.

**Applicant(s)** : means an owner(s) of a dwelling unit who applies to the City for a short-term rental operating license.

**Authorized Agent:** is a property management company of other entity or person who has been designated by the applicant or licensee, in writing, to act on their behalf. The authorized agent may or may not be the designated representative for purpose of contact for complaints.

**City Administrator:** means the City Administrator or any authorized employee of the City of Port Orford designated by him/her.

**COPOMC:** means the City of Port Orford Municipal Code.

**Hosted Home share:** means the transient rental of a portion of a dwelling while the homeowner is present. For the purpose of this title, "present" means the homeowner is staying in the dwelling overnight.

**Licensee:** means the owner(s) of a dwelling unit who holds a short-term rental operating license.

**Non-transient Rental:** means to rent a dwelling unit or room(s) for compensation on a month to month basis, or for a longer period than 30 days.

**Owner(s)** : means the natural person(s) or legal entity that owns and holds legal or equitable title to the property. If the owner is a business entity such as partnership, corporation, limited

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Short- Term Rental Operating License

liability company, limited partnership, limited liability partnership or similar entity, all persons who has an interest in that business entity may be considered an owner.

**Short-term Rental:** means a Hosted Home Share or Vacation Rental Home.

**Short-term rental operating license:** means the regulatory license required and described in this chapter. It will be referred to as an “operating license.”

**Transfer:** means the additional or substitution of owners not included on the original license application whether or not there is consideration. If multiple owners exist on a license, individual owners may be removed from that license with constituting a transfer.

**Transient Rental:** means to rent a dwelling unit or room(s) for compensation on less than a month to month basis.

**Vacation Home Rental:** means the transient rental of an entire dwelling unit.

**Daytime:** means between the hours of 7:00 am to 10:00 pm.

**Overnight:** means between the hours of 10:00 pm to 7:00 am the following day.

#### **05.05.040 –Annual Short-Term rental operating license required.**

No owner of property within the City of Port Orford City limits may advertise, offer, operate, rent or otherwise make available or allow any other person to make available for occupancy or use a short-term rental without a short-term rental operating license. Advertise or offer includes through any media, whether written, electronic, web-based, digital, mobile or otherwise.

#### **05.05.050- Application and Fee.**

- A. **Application Required.** Applications for an operating license shall be on forms provided by the City, demonstrating the application meets the standards required by this chapter.

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The applicant or authorized agent shall certify the following information be true and correct:

- a. *Owner/Applicant Information.*** Applicant's name, permanent residence address, telephone number, and the Short-Term rental address and telephone number.
- b. *Proof of Residential Use (for hosted home shares within the R1 and R2 zones only).***  
The residential use of a dwelling unit shall be established through its continued use as the primary residence of the property owner. The applicant shall provide at least two of the following items as evidence that the dwelling is the primary residence of the owner:

  - i. A copy of voter registration.
  - ii. A copy of an Oregon Driver's License or Identification Card.
  - iii. A copy of federal income tax return from last tax year ( page 1 only financial data should be redacted).
- c. *Representative Information.*** The applicant shall provide the name, telephone number, address and email of a local representative (which can be a person or company) who can be contacted concerning use of the property or complaints related to the Short-Term rental. For the purposes of this requirement, local means the representative's address is within a 30 minute travel time of the property.
- d. *Parking.*** Statement that required parking spaces are available, with a dated photo(s) submitted of interior and exterior parking spaces. A site plan including a parking diagram of these parking spaces shall also be submitted.
- e. *Occupancy.*** Occupancy limits and number of bedrooms.
- f. *Good Neighbor Guidelines.*** Acknowledgment of receipt and review of a copy of the City's good neighbor guidelines. In addition, evidence that the City's good neighbor guidelines had been effectively relayed to Short-Term rental tenants, by incorporating it into the rental contract, including it in the rental booklet, posting it online, providing it in a conspicuous place in the dwelling unit, or a similar method.

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Short- Term Rental Operating License

- g. Listing Number* If they advertise, the listing numbers, or website addresses of where the short-term rental advertises (such as the VRBO/Airbnb/rental website number, accounts number, URL, ect.)
  - h. A completed checklist for fire safety as required by the Port Orford Fire Department.*
  - i. Proof of garbage service as required.*
  - j. Such other information as the City Administrator or designee deems reasonably necessary to administer this chapter.*
- B. *Incomplete Application.*** If a license application does not include all required materials, the application will be considered incomplete and the City will notify the applicant, in writing, explaining the information required. If the applicant provides the missing required information within 30 calendar days of the date of the notice, the application will be reviewed. If the applicant does not provide the required information, the application will be deemed withdrawn and the City may refund all or a portion of the application fee.
- C. *License Fee.*** The fee for application for a Short-Term rental operating license or license renewal shall be as established by resolution of the City Council.

#### **05.05.060- Term of Annual License and Transferability**

- A. *Term.*** A Short-Term rental operating license shall be renewable annually on or before June 30<sup>th</sup>, the license may be renewed annually for up to three years by the licensee or authorized agent when all applicable standards of this chapter are met. If an authorized agent changes during the operating license period, the licensee shall notify the City in writing of the change within 30 days.

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- B. *Transferability.*** The operating license shall be issued in the name of the licensee (s) and is not transferable.

#### **05.05.070- Operating License and License Renewal**

- A. *License Must be Obtained.*** An operating license shall be obtained and renewed as required in this section. The permission to operate a Short-Term rental in the City of Port Orford shall be revoked for failure to obtain or renew a license to operate as provided in this chapter.
- B. *Application and Renewal Application Process.***
- a. *Existing Short Term Rentals.*** Existing Short-Term rentals may continue to operate until such time as the City has approved or denied the application. If approved, the license may be renewed annually thereafter in accordance with subsection C, below. If denied, operation of the Short-Term rental must cease within 30 days. Failure to submit an application as required by this section shall result in the loss of operating license.
  - b. *New Short-Term Rentals.*** A license shall be obtained before beginning operations. A completed operating license application and fee may be submitted and issued at any time. The license maybe renewed annually thereafter in accordance with subsection C, below.
- C. *Renewal Standards.*** The operating license shall be issued in the name of the licensee (s) and is not transferable.
- a.** Operating licenses may be renewed by the licensee annually for up to three years after the year of issuance.
  - b.** The City will review an application for operating license renewal and issue a renewal provided all the standards in this chapter continue to be met. If not met, the City will not renew the operating license and the property shall not be used as a Short-Term rental.
- D.** A decision on an operating license application or renewal maybe appealed by the Port Orford City Council.

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Short- Term Rental Operating License

**05.05.080- Criteria for Approval of an Operating License and Operating License Renewal.**

- A.** The applicant has the burden of proof to demonstrate compliance with each applicable criterion for approval or renewals of the operating license. The approval criteria also operate as continuing code compliance obligations of the owner. Staff may verify evidence submitted and the applicant shall cooperate fully in any investigation.
- B.** To receive approval, an applicant must demonstrate that all approval criteria listed below have been satisfied.
- a. Zoning.* The property is in the compliance with requirements of \_\_\_\_\_
  - b. Contract Information.* The applicant or authorized agent has provided information sufficient to verify a qualified person will be available to be contacted about use of the short-term rental during and after business hours. The licensee or representative shall be available to be contacted by telephone to ensure a response to the short-term rental address at all hours (24 hours a day, seven days a week) Response must be within 30 minutes. The designated representative maybe changed from time to time throughout the term of the license. To do so, the license information shall be revised with the City at least 14 days prior to the date the change takes effect, except when the failure to do so is beyond the licensee’s control. In an emergency or absence, contact forwarding information to a qualified person may be provided for the licensee or representative. In the case of Hosted Home Shares, the contact person shall be the permanent resident who will be hosting the transient accommodations.
  - c. Notice to Neighbors.* For Vacation Home Rentals, the licensee or authorized agent shall either ; (a) provide an annual mailing or otherwise distribute by hand, a flier to neighbors within a 250 foot radius of the short-term rental property address containing the operating license number and owner or representative contact information, or (b) post a small place card or sign as specified by the City on the property in proximity to the adjacent street advising neighbors and tenants of the same information where it can be seen from the public right-of-way.

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Short- Term Rental Operating License

The purpose of this notice is so that adjacent property owners and residents can contact a responsible person to report and request resolution of problems associated with the operation of the short-term rental. If the permanent contact information changes during the license period, the new information must be mailed or distributed again, or changed on the place card or sign.

**C. Health and Safety.**

- a. Responsibility.** It is the licensee's responsibility to assure that the short-term rental is and remains in substantial compliance with all applicable codes regarding fire, building and safety, health and safety, and other relevant laws.
- b. Fire and Emergency Safety.** A completed checklist for fire safety (fire extinguishers, smoke alarms, carbon monoxide detectors, etc.) shall be required with each annual operating license application and renewal. The licensee shall be responsible for completing the fire safety checklist and ensuring continued compliance. Verification by the City shall be required prior to issuance of a license and may be required for each renewal at the City Manager's discretion.
- c. Solid Waste Collection – minimum service requirements.** During all months that the dwelling is available for transient accommodation, Vacation Home Rentals shall have weekly solid waste collection service with assisted pick-up provided by the solid waste provider, if available. For the purposes of this section, assisted pick-up means the collection driver retrieves the cart from the driveway, rolls it out for service, and then places it back in its original location.

**D. Mandatory Postings.** The short-term rental license issued by the City (or a copy thereof) shall be displayed in a prominent location within the interior of the dwelling adjacent to the front door. The license will contain the following information:

- a.** Number or other identifying mark unique to the short-term rental operating license which indicates the license is issued by the City of Port Orford with the date of expiration;
- b.** The name of the licensee or representative and a telephone number where the licensee or representative may be contacted;
- c.** The number of approved parking spaces;
- d.** The maximum occupancy permitted for the short-term rental;

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Short- Term Rental Operating License

- e.* Any required information and conditions specific to the operating license;
  - f.* Day of week of trash pickup;
  - g.* The property address; and
  - h.* The City of Port Orford official logo.
- E.** The licensee shall be in compliance with the Transient Lodging Tax pursuant to COPOMC Chapter 5.09, and subject to the Tax Administrator’s authority under that chapter.
- F. *Parking.***
- a.* One (1) hard surfaced off-street parking space shall be provided for every two bedrooms. In calculating the number of spaces required, the total shall be rounded up. Parking areas shall not be located in the front yard. If the garage is to be utilized to meet the parking requirement, a photo of the interior of the garage shall be submitted to show the garage is available for parking. Required parking may be permitted on another lot within 250 feet of the subject property with a shared parking agreement or proof of legal parking access.
  - b.* A parking diagram of the approved parking spaces shall be provided to tenants and be available in a prominent location within the short-term rental dwelling.

#### **05.05.090- Additional operational requirements**

- A.** Advertising and License Number. The licensee or authorized agent shall put the annual operating license number on all advertisements for the specific property, if legally possible.
- B. *Complaints.***
- a. Response to Complaints.* The licensee or representative shall respond to neighborhood questions, concerns, or complaints in a reasonably timely manner depending on the circumstances.
  - b. Record of Response.* The licensee or representative shall maintain a record of complaints and the actions taken in response to the complaint, if relevant, in an electronic or written manner deemed reasonable to document the interaction. If kept, this record can then be made available for City inspection upon request to investigate a complaint.

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Short- Term Rental Operating License



- C. *Inspection.*** Upon application for an operating license all short-term rentals shall be subject to inspection by the City for compliance with this section.
- a.** The City Administrator may conduct a site visit upon an application for a short-term rental to confirm the number of bedrooms (as defined by the International Building Code) stated on the application and the number, location and availability of on-site parking spaces. The site visit will be coordinated with the applicant and be conducted during the City's normal business hours, and with reasonable notice.
  - b.** The City Administrator may visit and inspect the site of a short-term rental to ensure compliance with all applicable regulations, during the City's normal business hours, and with reasonable notice and other procedural safeguards as necessary. Code violations shall be processed in accordance with COPOMC.
- D. *Specific Prohibitions.*** The following activities are prohibited on the premises of a short-term Rental during periods of transient rental:
- a.** Events. Examples of events include, but are not limited to, company retreats, weddings, rehearsal dinners, etc.
  - b.** Unattended barking dogs.
  - c.** Activities that exceed noise limitations set by \_\_\_\_\_
- E.** The maximum overnight occupancy for the dwelling shall be limited to two persons per bedroom (as defined by the International Building Code) and two additional persons (e.g., a two-bedroom dwelling is permitted a maximum overnight occupancy of six persons). The maximum daytime occupancy shall be limited to the overnight occupancy plus six additional persons (e.g., a two-bedroom dwelling is permitted a maximum daytime occupancy of twelve).
- F. *Administrative Rules.*** The City Administrator shall have the authority to establish administrative rules and regulations consistent with the provisions of this chapter for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the provisions of this chapter. A copy of such administrative rules and regulations shall be on file in the Office of the City Recorder and be posted on the City website.

#### **05.05.100- Violations**

In addition to complaints related to nuisance and noise and other violations of the COPOMC, the following conduct also constitutes a violation of this chapter and is a civil infraction:

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Short- Term Rental Operating License

- A. The discovery of material misstatements or providing of false information in the application or renewal process.
- B. Representing a dwelling as available for occupancy or rent as a short-term rental where the owner does not hold a valid operating license issued under this chapter, or making a short-term rental available for use, occupancy or rent without first obtaining a valid operating license.
- C. Advertising or renting a short-term rental in a manner that does not comply with the standards of this chapter.
- D. Failure to comply with the substantive standards of COPOMC 5.10.080 and COPOMC 5.10.090.

#### **05.05.110- Penalties**

- A. In addition to the fines and revocation procedures described below, any person or owner who uses, or allows the use of, or advertises, property in violation of this chapter is subject to the enforcement authority of \_\_\_\_
- B. Each twenty-four hour period in which a dwelling is used, or advertised, in violation of this chapter or any other chapter of the COPOMC shall be considered an occurrence for calculation of the following fines:
  - a. The first occurrence of one or more violation(s) will incur a warning or other fine amount otherwise specified in COPOMC, whichever is greater.
  - b. A second occurrence of one or more violation(s) within a 12-month period is subject to a \$250 fine or other fine amount otherwise specified in COPOMC, whichever is greater.
  - c. A third occurrence and all subsequent occurrences of violation(s) within a 12-month period is subject to a \$500 fine or other fine amount otherwise specified in COPOMC, whichever is greater.
- C. **Revocation.** The following actions are grounds for immediate revocation of an operating license:
  - a. Failure to renew an operating license as set forth in COPOMC 5.10.070 while continuing to operate a short-term rental.

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Short- Term Rental Operating License

- b.* The occurrence of three or more violations within a 12-month period resulting in fines pursuant to 5.10.110.B3.
  - c.* The discovery of material misstatements or providing of false information in the application or renewal process is grounds for immediate revocation of the operating license.
  - d.* Such other violations of this chapter of sufficient severity in the reasonable judgment of the City Administrator, so as to provide reasonable grounds for immediate revocation of the operating license.
- D. *Notice of Decision/Appeal/Stay.*** If the operating license is revoked as provided in this section, the City Administrator shall send written notice of revocation to the licensee stating the basis for the decision. The notice shall include information about the right to appeal the decision and the procedure for filing an appeal. The licensee may appeal the City Administrator's decision to revoke the operating license under the procedures set forth in COPOMC 5.10.120. Upon receipt of an appeal, the City Administrator shall stay the revocation decision until the appeal has been finally determined by the Hearing Officer.

**05.05.120- Appeals of Short-term Rental operating license determinations.**

- A. *Filing Requirements*** – Notice. The licensee or authorized agent may appeal a short-term rental operating license decision to deny or revoke an operating license under COPOMC 5.10.100.
- B. *Authority to Decide Appeal.*** The Hearings Officer shall be responsible for determining an appeal of a decision approving or denying an application or renewal application for an operating license, or revoking or suspending an operating license, in any zone.
- C. *Time for Filing.*** An appellant is required to file a written notice of appeal including the basis for the appeal within 14 calendar days of the license determination being appealed. This requirement is jurisdictional and late filings shall not be allowed.
- D. *Fee for Appeal.*** The City Council may establish by resolution a fee for filing an appeal, which shall be jurisdictional.
- E. *Procedures.*** The City Administrator may establish administrative procedures to implement the appeal procedures provided in this section, including any required forms. The Council may adopt procedures for hearings not in conflict with this section, including but not limited to time limits on oral testimony and limitations on written argument.

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- F. **Hearing.** Within 35 days of receiving the notice of appeal, the City Administrator shall schedule a hearing on the appeal before the Hearings Officer. At the hearing, the appellant shall have the opportunity to present evidence and arguments as may be relevant. The Hearings Officer may direct the City Attorney to draft findings of fact and interpretations of code or law to be considered at a later meeting.
- G. **Standard of Review and Decision.** The Hearings Officer shall determine whether the City's decision was based on a preponderance of the evidence. A decision of the Hearings Officer shall be based on the evidence received, in writing and signed by the chair, no later than 30 days after the close of the hearing. The Hearings Officer may determine not to suspend or revoke the license, or to revoke or suspend the license. If the Hearings Officer upholds the decision to revoke the operating license, the Hearings Officer shall order the licensee to discontinue use as a short-term rental. If the Hearings Officer reverses the decision to revoke the operating license, the operating license shall be continued.
- H. **Finality.** The Hearings Officer's decision shall be final on the date of mailing the decision to the appellant. The Hearings Officer's decision is the final decision of the City and is appealable only by writ of review to Circuit Court.

#### 05.05.130- Discontinuance of short-term rental occupancy.

- A. **After Revocation.** After a short-term rental operating license has been revoked, the dwelling unit may not be used or occupied as a short-term rental unless a subsequent license is granted, and the licensee whose license has been revoked shall not be eligible to reapply for a short-term rental license for short-term rental occupancy of the same property for a period of two years.
- B. **After Expiration.** If a short-term rental operating license expires, the dwelling unit may not be used or occupied as a short-term rental until such time as a subsequent license has been granted for that property.

#### 05.05.140- Remedies not exclusive

The remedies provided in this chapter are in addition to, and not in lieu of, all other legal remedies, criminal and civil, which may be pursued by the City to address any violation of this code, the Development Code, or other public nuisance.

Ordinance \_\_\_\_\_

Short- Term Rental Operating License

The foregoing ordinance was enacted by the Common Council of the City of Port Orford this \_\_\_<sup>th</sup> day of \_\_\_ 1 and effective the \_\_\_<sup>th</sup> day of \_\_\_ by the following vote:

DATED :

Passed or Failed by the following Roll Call Vote

Yes: \_\_\_\_\_

No: \_\_\_\_\_

Passed \_\_\_\_\_ Failed \_\_\_\_\_

\_\_\_\_\_  
Mayor Pat Cox

ATTEST:

\_\_\_\_\_  
Jessica Ginsburg, City Recorder

Ordinance \_\_\_\_  
Short- Term Rental Operating License

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TLT ID#	Name	Zone	Address
131	Ridge Crest Cottage	R1	1111 Deady Street
108	1780/1782 Washington Street	R1	1780/1782 Washington Street
144	31 Geer	R1	31 Geer Circle
171	450 Boot Hill	R1	450 Boot Hill
158	735 King Street, LLC	R1	735 King Street
169	765 12th Street	R2	765 12th Street
170	769 12th Street	R2	769 12th Street
109	Admirals Landing	10-MU	585 Tichenor Street
159	Agate Beach Bungalow	R1	1078 Agate Beach Road
110	Anchor's Away	R1	1080 Lakeshore Drive
111	Anchors Down	R1	1126 Washington Street
143	AquaVista	10-MU	430 5th Street
157	Battle Rock Beach House	10-MU	267 6th Street Unit 1
113	Battle Rock House	R1	450 Qua-Ta-Mah Lane
112	Battle Rock Motel	10-MU	136 W. 6th Street
154	BelleVie 1	10-MU	356 West 6th Street
155	BelleVie 2	10-MU	640 Washington Street
114	Camp Blanco RV Park	4-C	2011 Oregon Street
116	Cat's Meow Cottage	10-MU	503 Jackson Street
117	Coast Guard Hill	R1	401 Coast Guard Hill
118	Coast Haven	10-MU	525 5th Street
163	Dream Home	10-MU	R15603 5th Street
103	Dunrovin Cottage	10-MU	628 Oregon Street
156	Eagles Nest	R1	1008 Lakeshore Drive
150	East/West Retreat on 9th Street	4-C	406-408 9th Street
160	Emerald Paradise	R1	1250 Deady Street
165	Glass Beach House	10-MU	404 Jackson Street
120	Kismet	R1	1075 Lakeshore Drive
121	Lakehaven	R1	654 Madrona Ave.
101	Lee Shore	R1	1215 Lakeshore Drive
151	L'lehyloh Coastal Cottage	R1	375 19th Street
147	Mama Bear and Cub	R1	1 Geer Circle
148	Millay House	R1	357 20th Street
122	Mobley Myrtle Brook	R1	85 Hensley Hill Road
123	Myrtlewood Cottage	R1	1015 Agate Beach Road
161	Nygren Hotel	R1	935 Jackson Street
173	Oregon South coast Property Soutlions, LLC	R1	402 Coast Guard Hill
125	ORORF25	R1	250 Coast Gurad Hill
142	ORORF32	10-MU	206 8th Street
162	Osprey House	R1	1170 13th Street
126	Pacific View Estate	R1	1911 Dee Terrace
102	Pondhurst	R2	741 Pinehurst
128	Port Orford RV Village	4-C	2855 PO Loop Road
149	Port Orford Sea View	R1	630 Tichenor Street
152	Portview Bungalows	R1	520 & 530 Quatomah Lane
130	Redfish Loft	10-MU	517 Jefferson Street
172	Rogue Canyon Adventures	R1	1000 Jefferson Street
132	Sea Crest Motel	4-C	44 Hwy 101 SOUTH
166	Shoreline Inn & Sultes	10-MU	206 Oregon Street
133	Shoreline Motel	10-MU	206 6th Street
145	Smith. Della	R1	742 Pinehurst
167	Sue Suites	4-C	519 10th Street
168	Sue Suites	R1	2402 1/2 Arizona Street
105	The Beach House @ Shelter Cove	R1	696 King Street
164	The Cove at Port Orford	10-MU	251 5th Street

104 The Farm House	4-C	2853 PO Loop Road
135 The Fortunate Fish	4-C	913 Oregon Street
137 The Lily Pad	R1	2518 PO Loop Road
141 The Yeti Ohana	R1	1985 Dee Terrace
153 Three Little Birds	R2	654 18th Street
140 Twin Views Vacation Rental	R1	1289 Lakeshore Drive
115 Twixtown Residential Coop Inc.	10-MU	545 5th Street
146 Vagabond Properties	10-MU/ R1	409 Jackson Street/1350 Lakeshore Drive
106 Wee Bird Coastal Cottage	10-MU	330 5th Street
138 Whimsy By the Sea	R1	604 King Street
139 Wildspring Guest Habitat	R1	92978 Cemetery Loop Rd