

**PORT ORFORD PLANNING COMMISSION
CITY COUNCIL CHAMBERS, PORT ORFORD CITY HALL
VIRTUAL MEETING
Tues, March 1, 2022
3:30 PM**

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Planning March 1, 2022
Tue, March 1, 2022 3:30 PM

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1. Call to Order
2. Additions to the Agenda
3. Approval of Minutes: February 1st Meeting (Pg. 2-7)
4. Comments from the Public- Vacation Rentals
5. Public Hearing
 - A. None
6. Planning Matters
 - A. Vacation Rentals in Residential Areas Discussion
 - i. Vacation Rental Laws on the Oregon Coast (Pg.8-14)
 - ii. Checklist for New Business License Packet for STR's (Pg.15-18)
 - iii. Survey Darft (Pg.19)
 - iv. Vacation Rental Discussion from City Council Meeting (Pg.20-21)
7. Other Buisness
 - A. Announcements and Communications:
 - i. City Planner Comments (Pg.22)
 - ii. Planning Commission Comments
8. Public Considerations
9. Adjourn

CITY OF PORT ORFORD PLANNING COMMISSION

MINUTES OF MEETING

February 1, 3:30 p.m.

Regular Meeting, virtually held

555 W. 20th Street

Port Orford, Oregon

1. Call to Order.

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

Those members present were: Chair Nieraeth, Vice Chair Berndt, Comm. Thelen, Comm. Rossi, Comm. Jezuit, Comm. Rinehold

City staff present were: Crystal Shoji, Legal Counsel Kudlac, CA Ginsburg

Others present: Steve Lawton, Sara Lovendahl, Ann Vileisis,

2. Additions to the Agenda: None. Chair Nieraeth announced that if anyone needs something to be included in the packet, the information must be submitted by noon the prior Thursday. This is to be implemented for the next meeting in March. Comm. Thelen commented that commissioners do not know that information is needed until the agenda is provided.

3. Approval of Minutes January 4, 2021: Comm. Berndt moved to approve Planning Commission Meeting Minutes and Special Meeting Minutes of the January 4, 2021 and meeting with Comm. Rossi as second. *Motion carried 6-0*

Discussion: None.

Comm. Thelen	<u>Yes</u>	Comm. Nieraeth	<u>Yes</u>	Comm. Berndt	<u>Yes</u>
Comm. Rossi	<u>Yes</u>	Comm. Rinehold	<u>Yes</u>	Comm. Jezuit	<u>Yes</u>

4. Public Comment:

Steve Lawton: City resident, commented on the issues being solved with the vacation rental discussions. Mr. Lawton stated that the essence of land use planning is to avoid problems before they occur. He feels that by establishing zoning and planning ordinances the city ensures an orderly development of the community and orderly lifestyle and livability. He addressed the statement, "I don't feel comfortable telling somebody what they can do with their house." Mr. Lawton feels that is the essence of land use planning and zoning ordinances, which inherently tell people what to do with their property and places. He addressed the statement, "how can we restrict vacation rentals in our residential zone." He feels vacation rentals are lodging businesses and should not be allowed in a residential zone, the same as

other businesses are not allowed in a residential zone. He stated the vacation rentals are mostly owned by out-of-town corporate investors who own many other vacation rentals. Vacation rentals are occupied by customers and not local residents living in their homes. He feels local residents are the local lifeblood of the community. He is concerned that vacation rentals will contribute to the water crisis. He addressed the comment, “why are we considering the issue of affordable housing with the issue of vacation rentals”. He feels that vacation rentals are directly related to the issue of affordable housing and stated many long-term rentals have been converted to vacation rentals. He stated studies throughout the country have shown that vacation rentals increase the value of housing, thus affecting affordable housing. Mr. Lawton addressed the comment, “vacation rentals help the local economy.” He feels they do provide some income into the local economy, but he feels the vast majority of income does not ever touch the local community, as it flows over the internet through Airbnb and out of state investors. He stated that customers that eat and shop do provide minimal income, but what they are creating is low paying and seasonal jobs in restaurants and stores. He feels these jobs in the service sector pay less than 50 percent of the wage in Oregon. He expressed his appreciation to the commissioners for their service to the public.

Sara Lovendahl, local resident, stated she understands the issue of regulating short term rentals is complex. She is not anti-short-term rentals; however, unregulated short-term rentals pose problems for the city due to the city water issue and the fact that investors are buying up rental stock and permanent residences. She shared problems she has experienced with short-term rentals around the lake near her house.

Ann Vileisis, local resident, appreciates the city for considering this issue. She referred to her letters previously sent to the Planning Commission. She stated it is great news that other cities are ahead of Port Orford in this issue, which has provided information already gathered for Port Orford to use. She expressed her appreciation to the commissioners for their service to the community.

5. Public Hearing: None.

6. Planning Matters.

a. Vacation Rentals in Residential Areas Discussion:

Chair Nieraeth referred to memos and articles CA Ginsburg provided. Chair Nieraeth would like information on the exact number of rentals and where they are located. Chair Nieraeth is not in favor of a year-long commitment through a moratorium. Chair Nieraeth reminded commissioners they are addressing R1 and R2. Planner Shoji advised that currently vacation rentals are not allowed in R1 and R2. If a use is mentioned in one zone and not another, they cannot be in the zone not mentioned. The city has a choice to enforce the ordinance where it is and address the vacation rentals already in the residential

zone. Planner Shoji stated that if the city were to allow the current vacation rentals in the residential zones, at some point the city will have to admit there was a mistake. Otherwise, the citizens will think the city is changing the rules by not allowing more vacation rentals. She stated most are probably not signed up as a home occupation, such as bed and breakfast.

CA Ginsburg advised there are about 55 vacation rentals currently in town. She estimated that 75 percent are in R1 and R2. CA Ginsburg advised the city benefits from the TLT taxes paid by these vacation rentals. She suggested approximately 60 to 70 percent of the vacation rentals are owned by people outside of Port Orford and maybe Oregon. CA Ginsburg suggested a contact person be required on the permit that is a short distance away in case of an emergency.

Comm. Berndt described and suggested a process of sending letters to vacation rentals in R1 and R2 to explain the code. The Planning Commission will need to decide what action will be taken such as a timeframe to comply versus grandfathering with stipulations such as renewal. CA Ginsburg guessed that people are going to continue the trend of renting regardless of a letter. Comm. Berndt suggested qualifications such as spacing of 300 feet. She suggested a lottery if too many people apply and number of licenses issued are limited. Comm. Berndt reminded commissioners these vacation rentals put a demand on the city's emergency services.

Legal Counsel confirmed through CA Ginsburg that the city has issued business licenses to those vacation rental owners in R1 and R2 that have come forward. She is concerned about revoking those business licenses. She agrees with regulating those that are in place and suggested a yearly reapplication process, putting a revocation process in place based on complaints, and/or limit of number in zones and creating a wait list. Current vacation rentals in R1 and R2 can be managed.

Comm. Thelen heard that the courts held up taking away a business license since they do not have a right to have a business in an area that is not allowed to accommodate the business. He adds that managing these at a higher level increased the workload of the city government. He suggested researching increasing revenue to the city through fees and penalties. CA Ginsburg advised the vacation rentals pay an annual business license fee and the TLT tax quarterly. Fee changes will have to be approved by City Council. Comm. Thelen asked if there is a way to limit where the owner lives. Legal Counsel Kudlac advised that she is not familiar with a restriction of where the owner lives and advised there are a lot of ways around such residency restrictions. She does not believe it would pass constitutional muster, but the city can require owners hire a local property manager or

local person to respond to emergencies and maintain the property, which would channel funds to the city.

He suggested involving the community to see what the community wants. Comm. Thelen suggested the discussing the difficult issue of capping the number of vacation rentals in town. Coos Bay capped the vacation rentals in town at 1 percent of housing units. Port Orford is now at 6 percent. Planner Shoji reminded that vacation rentals are not allowed in R1 and R2. The city either needs to put in city code this is an allowed use or to not allow the vacation rentals in R1 and R2.

Planner Shoji addressed there might be some additional tasks the city will be presented with such as inspections and site plan visits that will incur expenses. The expenses can be addressed by the commission. If a site plan review is performed, the city is into a planning application of some kind. These can be addressed through the planning commission or the administration. These issues have not been managed in the past.

Planner Shoji suggested defining the business, such as Airbnb, bed and breakfasts or vacation rentals and decide what is going to be allowed or regulated. Comm. Thelen reported Coos Bay created a category of “home stay,” which is where somebody lives on part of the property and rents out part of their home. Home Stays are allowed in any zone in Coos Bay. He wonders if some of the 55 in Port Orford might include Home Stays. Planner Shoji advised that Home Stay is what started vacation rentals since Port Orford did not have any definitions. Home Stays usually involved food and then the Health Department is involved.

CA Ginsburg suggested putting together an application packet to address complaints and concerns. Comm. Berndt suggested the packet be followed by an ordinance or guidelines and definition within the year. She suggested giving the current vacation a year to comply with any amendments in the future. CA Ginsburg stated vacation rentals have to renew at the end of June, so putting something in place would be beneficial by that time. Legal Counsel Kudlac suggested parking limitations and occupancy limitations and other use limitations on the business license application. She stated that once the rules are in place, some current vacation rentals will not meet qualifications. Qualifications can be made regardless of land use zone.

Comm. Rinehold thinks requiring the owner to have a local address is beneficial, though difficult. She wonders if the current vacation rentals can be grandfathered in until regulations are in place and give a year for compliance. The current moratorium is in place for 12 months.

Legal Counsel advised that the City Council has to have a hearing for business license regulations but will not have to go through the process of an ordinance change. Once a use is allowed in certain zones but not permitted in other zones, such as vacation rentals in residential but no other businesses is allowed in residential could be a land use issue. The city will need to shore-up their code due to the vacation rentals in R1 and R2.

Comm. Berndt suggested a checklist as part of the process of issuing the business license. She feels it would be valuable to put a review process in place. She wonders about the value of an as-needed planning process consultant.

Comm. Thelen and Comm. Berndt volunteered to research a list of limitations on business licenses, which is appropriate due to lack of quorum. CA Ginsburg will look at information addressed by other jurisdictions regarding fees.

The public can be made aware of the topic via utility bills. The public can respond via correspondence to a survey, or a public meeting can be scheduled. By consensus, commissioners agree to sending out a survey to the public. A simple survey will be written by CA Ginsburg and Chair Nieraeth and presented next meeting. The survey can be sent with utility bills and posted on the City website.

7. Other Business.

a. Announcements and Communications:

- City Planner Comments: None.
- Planning Commission Comments:

Comm. Thelen expressed his appreciation to the community for attending the meeting.

8. Public Considerations:

Steve Lawton, local resident, appreciates the Planning Commission's concern for fairness, but he wanted them to understand it is a billion-dollar industry. He is concerned about the equity to the citizens. Noncompliant businesses have been allowed in residential neighborhoods in the community, and he wonders where the commissioners are considering residents who live in the residential zones and their livability. He wonders if the Commission is going to allow the noncompliant businesses to exist in residential areas. He hopes commissioners consider the residents and not always worry about the out-of-state investors.

Sara Lovendahl reported she was struck by the fact that the vacation rentals are illegal at this time in the residential neighborhoods. She thinks it would behoove the Commission to hear from more of the citizens in the residential neighborhoods. She suggested ways to address the issue.

Ann Vileisis echoed things Steve and Sara already stated. She thinks the fact that there are illegal businesses in the residential neighborhoods is huge. She reminded that the city council asked for restrictions in residential zones. She felt affordable housing is the most important

thing to address, and the number of vacation rentals allowed is crucial in addressing the affordable housing issue. She suggested more work needs to be done.

9. Adjourn:

Chair Nieraeth adjourned the February 1, 2021, meeting at 5:16 p.m.

Vacation Rental Laws on the Oregon Coast

For the Port Orford Planning Commission March 2022 meeting by Commissioner Thelen.

This is a north to south overview of Vacation Rental laws on the Oregon coast with a focus on how towns or counties are currently addressing the land use issues of VR's in different zones. All areas also have requirements for licensing VR's, such as parking, maximum occupancy, insurance, health and safety, etc.; and all deal with collection of TLT.

Warrenton –population about 5500

<http://www.qcode.us/codes//warrenton/view.php?topic=16&frames=on>

Homestay in owner-occupied home allowed in some Residential zones.

Vacation Rentals allowed outright in C-1 Zone, by conditional use in C-MU and R-C, but not Residential zones.

Gearhart –population about 1600

<https://www.cityofgearhart.com/general/page/vacation-rental-dwellings>

STR rental permits for most Residential Zones existing in 2016 grandfathered in. Permits are not transferable and dissolve with the sale of the property unless the property transfers by inheritance to a natural person as directed in a will or trust. No new permits in these zones.

R-3 zone STR permits are available and are non-transferable.

Seaside –population about 6700

<https://www.cityofseaside.us/planning-department/pages/vacation-rental-application-and-information>

STR's allowed by conditional use in some R zones.

No cap, but density limitations depending on location on Zone map.

The VRD conditional use permit is issued by the Planning Commission or the Planning Director as an accessory use for the property. The primary use should be the applicant's personal residence, second home, or other primary residential uses.

Clatsop County Unincorporated areas –population about 14,300

<https://www.co.clatsop.or.us/landuse/page/short-term-rental-ordinance-revisions>

A moratorium on new STR's has been extended until April 2022, pending public input and Ordinance revision.

STR's currently allowed in R zones.

Only one STR on a property.

Cannon Beach –population about 1500

<https://www.ci.cannon-beach.or.us/planning/page/short-term-rentals>

"Five-year unlimited permit" allows the property owner to rent the property any and all days of the year. This permit expires and cannot be renewed at the end of five years. These permits are being phased out after November, 2019 It is likely that no more will be issued, according to Cannon Beach planning. 40 existing as of Jan. 2021.

"Lifetime unlimited permit" allows the property owner to rent the property any and all days of the year. Upon the sale or transfer the lifetime unlimited permit is void. No more are currently being issued. 48 existing as of Jan. 2021.

"Fourteen-day permit" allows the property owner to rent the property to one tenancy group once in a fourteen-day period of time. Any owner of property in an RVL, RL, R1, R2, R3, MP or RAM zone can apply for a 14-day short-term rental permit, provided that they do not already hold a sort-term rental permit. Short-Term Rentals are not permitted in accessory dwelling units. Owners can have only one 14-day permit and they aren't transferable. 118 existing as of Jan. 2021.

A short term rental task force is monitoring STR's in the area.

Manzanita –population about 400

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjgyYWVxvj1AhUTJEQIHcmjBecQFnoECAsQAQ&url=https%3A%2F%2Fci.manzanita.or.us%2Fwp-content%2Fuploads%2F2020%2F03%2FOrdinance-10-03-STR-Regulations.pdf&usq=AOvVaw2s486J7aoU_5PfOQM5Cgs4

-STR's are an outright use in Residential zones

No one may have an ownership interest in more than one VR.

Rockaway Beach –population about 1200

https://corb.us/vertical/sites/%7B087A747C-D4DD-4132-9CE8-8372D0E33390%7D/uploads/TLT_Packet_for_Website.pdf

ADU not allowed as STR.

Bed and Breakfast allowed in Residential Zones by Conditional Use Permit.

“Traveler’s Lodging” defined in Code, but not apparently regulated in Zones

Short Term Rental License and payment of TRT required.

Garibaldi –population about 800

<https://www.ci.garibaldi.or.us/2159/Development-Building>

The R1 zone allows vacation rental dwellings outright, established prior to February 11, 2008, and located south of US 101 or accessed privately from US 101.

As a conditional use, the R1 zone allows short-term rentals only south of US 101, or accessed privately from US 101.

Bed and breakfast establishments are also allowed as a conditional use in the R1 zone, given certain conditions.

Tillamook –population about 5200

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwi76bCS hfb1AhVqJ0QIHScK2YQFnoECC4QAQ&url=https%3A%2F%2Ftillamookor.gov%2Fwp-content%2Fuploads%2F2019%2F09%2F1351-Amending-TRT-Ord-Definition-for-Hotel-and-Processes-May-be-Imposed.pdf&usg=AOvVaw2xIRERMdT8EREUdmA2VMtf>

City codes amended in 2019 to exempt STR’s from the land use process, and so are allowed in all zones.

Tillamook County Unincorporated areas –population about 16,000

includes Netarts –800, Pacific City –1200, Neskowin –150

No restriction on STR location.

Lincoln County Unincorporated areas

https://www.newportnewstimes.com/news/judge-grants-injunction-against-measure-21-203/article_00af976a-5a06-11ec-9e80-a3cd56f0d340.html

<https://www.avalara.com/mylodgetax/en/blog/2021/12/new-lincoln-county-vacation-rental-rules-on-hold-until-court-decision-on-ballot-measure.html>

https://www.co.lincoln.or.us/sites/default/files/fileattachments/board_of_commissioners/page/9251/ordinance_523_amendment_to_lcc_sect_4.405_-_4.460_str.pdf

Lincoln County updated existing STR rules last fall.

Short-term rental operators cited for operating without a license are disqualified from receiving a license in the future.

Short-term rental operators may not advertise their rentals or make them available without a license.

The number of licenses that can be issued in each area is limited.

The county's original rules, passed in 2016, require short-term rental hosts to obtain a license, display publicly visible signage, and follow rules on parking, garbage, quiet times, sewage systems, occupancy limits, etc.

Voters passed a measure in November to make Lincoln County stop issuing new short-term rental licenses while phasing out vacation rentals in single-family residential areas in unincorporated parts of the county over five years. This measure has been challenged in court and a stay has been put on the implementation that may be resolved in March 2022.

Lincoln City –population about 8800

<https://www.codepublishing.com/OR/LincolnCity/html/LincolnCity05/LincolnCity0514.html#5.14.010>

<https://www.codepublishing.com/OR/LincolnCity/html/LincolnCity17/LincolnCity1780.html#17.80.050>

Annually renewed non-transferable VRD license required.

License Fee. The fee for application for a vacation rental dwelling license or license renewal shall be in an amount to recover the city's actual costs of reviewing and issuing the license application or license renewal application, including any required inspections.

VR ownership numbers unlimited in Commercial zones.

Owners may only have ownership in one VR in a Residential zone.

Rentals of less than 30 days per year are "incidental" and have other rules.

VR's in residential zones are being reduced and capped at 10% of the total number of lots in that zone.

Depoe Bay –population about 1800

<https://www.cityofdepobay.org/sites/default/files/fileattachments/planning/page/3237/zoning24codifiednov2011.pdf>

VR's allowed in Limited Land Use Overlay Zone, a Commercial Zone with residences.

Also allowed in all Commercial and Industrial zones.

Owners must register as a Transient Occupancy Business.

When Ordinance passed, VR's in Residential Zones were classified as non-conforming use and required to amortize within 4 years, meaning they had 4 years to get their money back and stop operating in that Zone.

A Hardship provision and procedures for business owners who need more time to recoup investment, subject to approval.

Newport –population about 10,600

<https://newportoregon.gov/dept/cdd/documents/SummaryKeyChangesNewportShort-TermRentalRegulations.pdf>

Distinguishes between home shares and VR's—no cap or density requirements for HS.

Created Rental Overlay Zone to restrict VR's to areas proximate to the city's major tourist commercial districts.

Caps VR's at less than 200—there are currently 193 listed online (city council set cap at 180, which is 3.1% of housing units).

Spacing standards to avoid VR concentrations.

Pre-existing STR's acknowledged as non conforming, and outside of overlay zone will be discontinued when property is sold or transferred.

VR's in overlay zone count towards cap, but don't have density requirements.

Waldport –population about 2100

<https://www.waldportoregon.gov/planning-zoning/pages/short-term-rentals>

The City of Waldport does not currently have a Cap, Lottery or Restriction on Short Term Rentals/Transient Lodging nor does it have specific areas zoned for rentals less than 30 days.

Waldport recently passed zoning approval for Accessory Dwelling Units. However, building an ADU precludes either it or the primary dwelling being used for Short Term Rentals.

Florence –population about 9400

<https://www.ci.florence.or.us/council/city-code>

STR's are not addressed.

Bed and Breakfast rentals are a conditional use allowed in some zones

Reedsport –population about 4100

<https://www.cityofreedsport.org/vertical/sites/%7B6971DF3C-6EDF-4E48-B355-C823C5A2E331%7D/uploads/MuniCodeSupp28-Website.pdf>

Short Term Rental—by conditional use in R zones. Owner occupied.

Vacation Rental—conditional use in R zones. Need VR operator's license and Business license.

Coos Bay –population about 16,200

<https://www.codepublishing.com/OR/CoosBay/>

Passed new VR code January 2022.

Created Homestay category for all zones—owner occupied renting part of home.

Put a cap on VR's in Residential neighborhoods at 75 (1% of housing units in town). There were 38 VR's out of compliance with zoning codes when Ordinance passed.

Regulated distance between VR's – 300 feet.

Bandon –population about 3100

https://www.cityofbandon.org/sites/default/files/fileattachments/general/page/280/title_17_-_zoning_06.03.21_update.pdf

VRD's not allowable in Residential, nor are bed and breakfasts.

Vacation Rental Dwellings (VRDs) are conditional uses in the CD-1, CD-2, CD-3 and C-3 Zones. In order to apply for a VRD permit, you must ensure that less than 30% of the single-family detached dwellings within 250 feet of the subject property (and located in a zone where VRDs are allowed) are VRDs. This is referred to as your "saturation rate."

No ADU's as VRD's.

Port Orford –population about 1000

<http://qcode.us/codes/portorford/>

Currently Moratorium on new VR business licenses.

VR's are not defined in City codes.

55 VR's now, City estimated 75% are in Residential zones, 2 or 3 might be Homestay type.

Port Orford has 735 total Housing units. $55 / 735 = 7.5\%$ of Residential houses are VR's.

GOLD BEACH –population about 2400

https://www.currypilot.com/news/gold-beach-cracks-down-on-vacation-rentals/article_503811f0-b40b-11eb-b156-b3647ec71056.html

<https://www.goldbeachoregon.gov/index.asp?SEC=AF292E63-833A-452B-8839-994EC195D768&DE=1C7B3F4E-C8E7-4286-B60D-C4F5CA771356>

Vacation rentals OK in Residential zones by Conditional Use permit, outright in Commercial.

ADU's can't be used as VR's.

Bed and Breakfast's must comply with VR rules.

Gold Beach City Council adopted an ordinance to enforce payment of state and local lodging taxes.

Brookings –population about 6400

<https://www.codepublishing.com/OR/Brookings/>

Any existing dwelling in any of the residential zones and in the general commercial (C-3) zone can be used for short-term rental purposes as set forth in that zone and pursuant to certain regulations as follows:

Short-term rental conditional use permits are specific to the owner of the dwelling unit and shall not run with the land.

In August 2021 they had 42 STR's; 22 added in the last 3 years. Housing units 6000+

Curry County

Does not have any requirements for VR's at this time but according to County Planning, will be developing requirements over the next few months, which would apply to the part of Garrison Lake not within the city limits of Port Orford.

Checklist for what could be required in a new Business License packet for STR's

For March 2022 Planning Commission meeting, by Commissioners Berndt and Thelen.

The following are current Short Term Rental/STR policies in various towns on the Oregon coast. At the top of the list are the requirements most commonly used. Those at the bottom are less common or related to a specific situation.

Most Common:

1. **Occupancy:** limit of two persons per bedroom plus two additional persons, with minimum bedroom size as defined in City Code.
2. **Smoke (and Carbon Monoxide) detector:** installation in each potential and actual sleeping area.
3. **Safety Inspection:** Building Department or other designated inspector required with report filed and posted.
4. **Garbage Removal:** evidence shall be provided that there is regular garbage removal from the premises.
5. **Parking Requirements:** of one hard surfaced off-street parking space for every guest room in a VR, but in no case less than two spaces. Parking diagram posted on site. Off-street parking diagram is required prior to a permit being issued. Extra space to maneuver required as necessary.
6. **Joint driveway access agreement:** with all other property owners if applicable.
7. **Definition of Vacation Rental:** with a prohibition of the use of RV's, tents, etc.
8. **Definition of Homestay:** another category of rental where the Owner Occupant rents out a portion of their home, like the traditional B&B without the food. In some towns, Homestays are allowed in Residential zones where VR's are not, or they may not be subject to density restrictions on VR's.
9. **Written Notice:** posted inside each VR with contact person info, VR address, maximum occupancy, maximum vehicles parked on site, day of garbage collection, City noise regulations, tsunami evacuation map, non-emergency police number.

10. **Contact Requirements:** for owner/operator—must be available 24/7 within a 15-30 minute drive of property. Name and contact information of the designated local person shall be kept on file in the Police Department.
11. **Annual verification:** of contact information submitted annually with renewal of the business license to verify the VR contact name, address and phone.
12. **Business License:** with City.
13. **STR non-refundable application fee:** Gearhart charges an annual \$600 fee (less if a Go Bag containing civil emergency supplies is on site for occupants) and a \$125 building inspection fee.
14. **TLT Tax Compliance:** with all reporting and accounting requirements of the TLT tax ordinance shall be done in accordance with City requirements.
15. **STR activity ceases:** for a period of one year, or fails to be rented out for more than 10 nights within a calendar year, as determined by the TLT occupancy tax receipts and rental documentation, the STR permit becomes null and void with no further proceedings.
16. **Violations:** The VR permit holder shall be compliant with these standards at all times. Failure to comply will result in revocation of the permit in accordance with (Port Orford Ordinance 17.04.270)
17. **Address numbers:** must be visible from the street.
18. **Location of STR:** and contact information of all operators posted online.

Less Common, but multiple instances:

- a. **Proof of liability insurance** on the STR property.
- b. **Ownership limits:** A licensee can only have ownership in one STR.
- c. **Limits on number:** of days unit may be rented per year.
- d. **No more objectionable:** traffic, on-street parking, noise, smoke, light, dust, litter or odor is emitted from the STR than a normal neighborhood dwelling.

- e. **Maintenance:** STR's will be maintained at or above the level of surrounding dwellings in the neighborhood, including landscaping, signage and exterior maintenance.
- f. **Conditional Use Permit:** if required, Applicant shall provide an annual report to the Planning Department showing compliance with all conditions and ordinance requirements. Failure to provide such report shall result in revocation of the CUP.
- g. **Surrounding property owner notification:** of a vacation rental and use application if a conditional use permit is required.
- h. **VR Location density limit:** Some towns set a distance – 300 feet in Coos Bay, for example – between VR units. Bandon uses distance and a percentage of VR's to the total number of houses in that zone.
- i. **Capacity:** Limit on STR to (5) bedrooms.
- j. **Landscaping:** Requirement that STR's in Residential areas maintain 40% of the lot and 50% of the front yard area in landscaping.
- k. **Exterior Signage:** STR operators must post a sign between one and two square feet in size in plain view of the street identifying unit as an STR with a phone number of the designated contact. Require Photos of required signage in application.
- l. **Occupant parking:** must be at side or rear of house.
- m. **Events:** Prohibits special events that exceed occupancy limits

References:

https://www.cityofgearhart.com/sites/default/files/fileattachments/general/page/1001/article_7_vacation_rental_standards.pdf

https://www.cityofseaside.us/sites/g/files/vyhlf6311/f/uploads/vrd_application_1-2020.pdf

https://www.ci.cannon-beach.or.us/sites/default/files/fileattachments/planning/page/9731/complete_14-day_permit_application_packet.pdf

<https://ci.manzanita.or.us/wp-content/uploads/2021/10/2021-STR-Application-Instructions.pdf>

<https://newportoregon.gov/dept/cdd/documents/SummaryKeyChangesNewportShort-TermRentalRegulations.pdf>

<http://coosbay.org/uploads/PDF/FO.187.21.0000103.PLNG.PDF>

https://www.cityofbandon.org/sites/default/files/fileattachments/planning_department/page/10259/vrd_info_sheet.pdf

Other topics to consider for discussion and/or inclusion:

- i. density-based numbers – decide on a percentage based on population, homes
- ii. length of rental days - minimum
- iii. task force monitoring - new hire/committee/designated neighborhood watch person(s)
- iv. ownership limits – number of STVR's permitted to be licensed by 1 person(s)
- v. individuals vs corporations – applicants as individuals rather than corporate group
- vi. long-term rentals licenses – as tracking mechanism not necessarily for income
- vii. incentive for STVR owners to convert to LTR – could this help deter upswing of STVRs
- viii. incentives for building hotels/motels in business/commercial corridors
- ix. outright restrictions in R1 & R2 – how do we approach the fact that our ordinances do not permit any VRs in residential zones

Short Term Vacation Rentals in Residential Zones- Port Orford

This survey has been put together by the Port Orford Planning Commission. We are looking for resident input into regulations for Short Term Vacation Rentals in Residential zones. Please review and submit your answers and they will be discussed at the Planning Commission Meetings. A hard copy can be filled out in City Hall also.

1. What are your top two priorities for a " Good Neighbor" policy for short term vacation rentals?

- ☐ Posted quiet hours from 10pm -7am.
- ☐ Maximum occupancy of two people per sleeping area plus 2 additional people, not to exceed 12 people.
- ☐ One Off-street parking area per every 2 sleeping areas.
- ☐ Required garbage pick-up at least 1x per week and all cans must be covered at all times.
- ☐ Contact within 30 minutes of the house and must respond if requested 24 hours a day. This information must be given to all property owners of record within 300 feet of premises and City Hall.
- ☐ All dogs must be leashed whenever they are in an unenclosed area.
- ☐ Other Suggested Good Neighbor Guidelines?

2. Would you support a location limit? Example: Vacation Rentals can not be closer than three hundred (300) feet of an existing vacation rental.

- ☐ Yes
- ☐ No

3. Currently business license fees are \$25 or \$100 annually. Managing Short Term Vacation Rentals will require additional time by staff in City Hall. Would you support an initial license and an annual renewal fee that is in addition to the business license fee?

- ☐ Yes
- ☐ No

4. Would you support having a complaint form and process for Short Term Vacation Rentals? If so please provide 2 items you would like to see detailed in the process.

City of Port Orford

CITY COUNCIL AGENDA DOCUMENTATION

Date: 02/17/2022

SUBJECT: Vacation Rentals

ITEM NO: 8 f.

At the last Planning Meeting there was a comment made by Crystal Shoji about Vacation Rentals in Residential Zones. She said that they are Illegal in those zones according to our code. Using the word Illegal started a very lengthy discussion between myself, Shala and Crystal. During this discussion Crystal mentioned that lodging is listed in the Battle Rock Zone, Hotel/Motel listed in 4-C and 5-I Zones, and Hotel /Motel listed as Conditional use in the Marine Activity Zone. This is a type of lodging where people **PAY TO STAY**. My thought was the **PAY TO STAY** then would also go for long term rentals too. So would they be illegal too?

When this happened it also triggered e-mails from residents in the City of Port Orford questioning the Building Permits and Business Licenses that are and have been issued.

- 1) in the Building permit applications (Packet attached) the applicant is not asked or required to tell us what the building or structure will be used for once it is finished. Some of the houses that are used for Vacation rentals were built by previous owners as their own home. So they would have never known that their house was going to be turned into a short term vacation rental.
- 2) Business Licenses that have been issued for vacation rentals were issued according to Chapter 5.04 Business Licenses Generally. Section 5.04.070 (copy attached) states that all trade, shops, business, profession, home occupations, occupations, and callings carried on in the City of Port orford and not licensed and taxed by other provisons of this ordinance or other ordinances of the City of Port Orford shall be licesned. Vacation Rentals are taxed by the TLT tax so they should have a business license.

I was also able to see in the City of Port Orford code 17.08.030 Authorization of similar uses (attached) states that City Council may permit in a particular zone a use not listed in this title. However, it does not authorize the inclusion in a zone where it is not listed of a use specidifcally listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.

I am reading this that City Council Approved this title (Short Term Vacation Rentals or something similar) when business licenses started to be issued for them per code Chapter 5.04 section 070. We also do not have this title listed in another zone and we also have certain businesses that are based out of residential houses in the residential zones ie. Child Care Facility, Residential Care Home and Residential Care Facility.

In the Code we do not have a definition for Hotel, Motel or Lodging. The items hotel, motel are listed under the Tourist Facility definition. I have attached the code definitions from the Coos Bay code which are very specific about what lodging, hotel/motel and vacation rentals are. I would like to suggest that the council

direct Planning to amend the definitions that are listed in our code and add Hotel/Motel and Lodging into the City of Port Orford Municipal Code.

Suggested Motion

I make a motion that the Council direct the Planning Commission to review and amend the definitions for Hotel/Motel and Lodging in the City of Port Orford Code.

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator



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To: Krista Nieraeth, Chair
Port Orford Planning Commission

From: Crystal Shoji, AICP
Port Orford Planner

Date: Tuesday, March 1, 2022 - Planning Commission Meeting

Subject: City of Port Orford
Consideration of New Minimum Dwelling Size

The City of Port Orford has depended upon 1,000-square foot minimum size for stick-built and manufactured houses within the City for several decades. DLCD provided guidance in the 1990's that manufactured homes and stick-built homes needed identical treatment as to size limitations, and other factors. In or about 2018, people began to inquire about options to build or purchase smaller manufactured homes for placement in Port Orford. People are seeking more affordable housing options (smaller homes). We have utilized the "similar use" criteria for guidance; from my understanding, there has never been a stated definition of size for a stick-built house in Port Orford. Oregon Building codes currently permits stick-built and manufactured houses of less than 1,000 square feet. It is my understanding that the decisions about this are up to the City through Planning Clearance, and not the decision of Oregon Building Codes as long as we do not go under their minimum.

At this time, we need to examine our regulations for both, and determine if we want specific size regulations, or if there is another way to regulate these that would suit us better. There are probably a number of options. We need to invest time and energy into having the discussion and making the decisions through the Planning Commission and the City Council as soon as possible. The current language that we have relied upon is coming under question; I do not have any authority to utilize a different standard than what our code sites for manufactured homes (1,000 square feet). City governing bodies need to make a determination.

To proceed, we need to take the time to understand the different uses that the state is now permitting for housing, and to get some examples from Gold Beach and other communities. DLCD staff have offered to provide an online work session about this issue to share what is happening around the state, and present some options. I would like to organize this up to include the Planning Commission and City Council members who are interested.

I look forward to working with you and City staff to organize this opportunity.