

**PORT ORFORD PLANNING COMMISSION  
CITY COUNCIL CHAMBERS, PORT ORFORD CITY HALL  
HYBRID MEETING  
Tuesday, November 01, 2022  
3:30 PM**

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Tue, November 1, 2022 3:30 PM

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1. Call to Order
2. Additions to the Agenda
3. Approval of Minutes: October 04 Meeting (Pg. 3-6)
4. Announcements and Communications
  - A. Chairperson/Assistant City Planner
5. Comments from the Public (Agenda Items only)
6. Public Hearing- None
7. Planning Matters-
  - A. Draft Ordinance Short Term Rentals- D. Kearns in Attendance
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  
 October 4, 2022, 3:30 p.m.  
 Regular Meeting, hybrid  
 555 W. 20<sup>th</sup> Street  
 Port Orford, Oregon

*The minutes were prepared to the best of our ability considering the challenging quality of the audio for those attending in the Gable Chambers.*

1. Call to Order.

The regular meeting of the City of Port Orford Planning Commission was called to order Tuesday, October 4, 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. Malone, and Comm. Head.

City staff present were: CA Ginsburg.

Others present: Daniel Kearns, Penny Suess/Dana Gurnee, Leila Thompson

2. Additions to the Agenda: None.

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

Discussion: None.

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

4. Announcements and Communications:

- a. Chair Nieraeth: The variance on Cemetery Loop is still under review so not on this agenda.
- b. Assistant Planner: None.

5. Comments from the public: None.

6. Public Hearing: None.

7. Planning Matters:

- a. Short Term Rentals – Attorney Kearns in Attendance: The process is explained to the new commissioners.

CA Ginsburg introduce Attorney Kearns.. Mr. Kearns shared his background which includes short term rental advise to other communities, cities and counties. Mr. Kearns suggested considerations; 1) Reason for short term rental regulation is the nuisance impact of short-term rentals in the neighborhoods. Rental owners are commonly not geographically in the vicinity and are unaware or unconcerned. 2) Reason for short term rental regulation is the lack of availability of affordable housing for people wanting to live in the community. During the tourist season, people flock to work in the industry but cannot live in the community.

Mr. Kearns addressed Comm. Thelen's list of concerns and suggestions, which address regulating the nuisance impact of the short-term rentals. He suggested communicating with the short-term rental operators in order to adopt regulations that are viable and will work. He suggested avoiding land-use regulations; however, the city can still recognize underlying zoning when setting regulations.

Mr. Kearns discussed the challenges of limiting the number of short-term rentals versus bringing down the short-term rental numbers. Brining down the number is legally fraught and not recommended.

Mr. Kearns suggested reviewing their TRT ordinance. The League of Oregon Cities has a good workable model. Once the tax pool size is determined then the nuisance control regulations can be applied to the license program. He suggested an annual renewal license process. He reminded that a permit is good forever, so be mindful of land use permit versus property rights. There are heavy review items for STRs, such as fire-life safety review, building code review and DEQ septic review. He recommends these reviews for permit renewals.

Mr. Kearns suggested limiting the amount STRs in areas of the city. He outlined density regulations that work. He does not recommend caps and gave reasons for this. He discussed owner occupancy and proof of such.

It needs to be determined by the city as to who will implement and oversee the regulations the city sets. For those already established that do not meet qualifications, amortization time is recommended for them to come into compliance.

The city is reminded that short-term rentals are not available or affordable for a long-term lease or rental. The Planning Commission has the authority under the Oregon and Federal Constitutions to impose reasonable regulations on the use of land and that would have to

compensate, under the constitution, if the city were to deny all economical use of the property. All short-term rentals are available for long-term rental use, so this will not apply. There is a Takings Relieve claim that can be considered. Banning short term rentals will likely bring a resurgence of motel construction and/or reduction of tourist industry and income.

Comm. Berndt asked for a definition of owner occupancy. Mr. Kearns stated the owner must live on the same property for all but 90 days of the year. This is a nuisance avoidance regulation. She asked about recommendations on apartment complexes. The city will have to determine if this is a current challenge and what is the issue, such as nuisance or affordable housing, and regulate accordingly. This is not a top tier consideration for Port Orford at this time.

Comm. Head referred to the Hood River ordinance in the packet and the expiration. Mr. Kearns advised the policies are renewable. The frequency of renewal depends on the property location and use. Annual renewal fees can be based on number of bedrooms. ADUs were discussed. Hood River has the owner occupancy, which eliminates the nuisances with ADUs. Requiring short term rental owners to live within a certain proximity causes challenges such as interstate commerce clause challenges, and other challenges. He does not recommend that consideration.

Data needs collected, such as how big is the pool size, how many out of state people, how many out of city people, how many people own more than one STR in town, what is the proportion in the program, how much leakage does Port Orford have, and what is the revenue stream like. He warned not to ignore the economic side. Enforcement ties into the economic considerations.

CA Ginsburg discussed application fees to include time cost of the office personnel and code enforcement. Enforcement is outlined to include code enforcement versus city employees. Code enforcement officers work weekdays with hours limited and do not respond at the time the nuisance is occurring. Complaints need to be logged for follow up.

Commissioners and CA Ginsburg discuss fees. Planning Commissioners should recommend the structure to council and City Council will set the fees by resolution. An intergovernmental agreement with Curry County is pending to cover inspections and fees.

Comm. Thelen shared his recommendations with the commission, most from the Hood River ordinance. Mr. Kearns gave advise on noise restrictions. He suggested the police chief give some input in this area. Mr. Kearns provided information on Retreat Rentals. The term "Lawfully Established" for existing STRs is suggested. Pros and cons of Natural

Attrition and caps is shared by Mr. Kearns. Excluding home shares from the cap is discussed. Mr. Kearns reiterated the usefulness of data.

8. Other Business:

A. Announcements and Communications:

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

9. Public Considerations:

Leila Thompson, city resident, is a short-term rental owner. She agreed with gathering more data on types of owners. Parking spaces per bedroom is confusing for an Airbnb. She questioned Natural Attrition due to corporations having so much money they will do what they want to do.

**Adjourn: Vice Chair adjourned the October 4, 2022 meeting at 5:30 p.m.**

**Future meeting is November 1, 2022.**

Attest:

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Chair Nieraeth

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City Recorder, Jessica Ginsburg

## 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:

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

#### 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 workings of short-term rental 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 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 with 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 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 on 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.

Exemption of a use from the precision of this chapter shall not exempt the use from other applicable portions 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.

**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 liability company, limited partnership, limited liability partnership or similar entity, all persons who owns 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 by \_\_\_\_\_ 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. 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, as set forth in \_\_\_\_\_. 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 has 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.
- 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, act.)

- h. *A completed checklist for fire safety as required by \_\_\_\_\_*
- i. *Proof of garbage service as requested by \_\_\_\_\_*
- 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 all applicable standards of this chapter are met. If an authorized agent provided all applicable standards of this chapter are met. If an authorized agent changes during the operating license period, the licensee shall timely notify the City in writing of the change.

**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**

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Short- Term Rental Operating License

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**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, operating 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 all non-conforming use status.
- 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 may be 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 may be appealed as provided by \_\_\_\_

**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 renewal 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 may be within 30 minutes. The designated representative may be changes 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 Homs hares, 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 placard 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.

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 placard or sign.

**C. Health and Safety.**

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Short- Term Rental Operating License

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- 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;
  - 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 Hotel Tax Code 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.

- 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 Manager 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 Manager 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 HRMC Title [1](#).

**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 Manager 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:

- 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.
  - 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 Manager, 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 Manager 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 Manager's decision to revoke the operating license under the procedures set forth in COPOMC 5.10.120. Upon receipt of an appeal, the City Manager 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 Manager 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.
- F. *Hearing.*** Within 35 days of receiving the notice of appeal, the City Manager 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.

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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