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A few thoughts on the new Vacation Rental ordinance

Because I missed the previous meeting and I will be unable to attend the June 13 meeting, I want to share some thoughts on specific issues related to the VR ordinance. Forgive me if these have already been resolved in your prior discussions.

Guest Registry

When the previous Ad-hoc committee developed the current ordinance, the language called for the guest registry to be available to any City staff as needed. The City Council changed that availability to “First Responders” only (without any public input) because a realtor/property manager on the council did not want to have to disclose her customers. That change severely restricted the ability of the Community Development department to audit occupancy and respond to complaints.

For example, this Memorial Day weekend, the VR in my neighborhood had four cars and an RV parked in front and at least 14 bicycles in the front yard.



This appeared to be a clear violation of the occupancy limit of 10. But we did not even bother to file a complaint because there was no reasonable way for Community Development to confirm the violation without access to the guest registry with its names and license numbers. The guest registry can be a key enforcement tool if it is available when needed.

Prohibited Area

At a previous meeting, it was apparent that the committee was leaning toward 1) a hard cap on the overall number of VRs and 2) a density/separation requirement. If these two clauses are included in a new ordinance, I don't believe that there is any need for any prohibited areas. In fact, I think prohibited areas as described in the three options are actually counter-productive. They would force all new VRs into the already saturated areas west of 101. Wouldn't it be better to see a few new VRs in areas east of 101 instead of being as close as possible to the current VRs.

Occupancy Limits

I understand that the committee is considering dropping the "Plus 2" when calculating the maximum overnight occupancy. I agree with that recommendation. However, in the current ordinance, the reduction in occupancy associated with inadequate parking is not very well enumerated.

For example, with the VR in my neighborhood, the house has five bedrooms but only four offstreet parking spaces. Appropriately, the endorsement was issued for a maximum occupancy of 10 (4 parking spaces [not 5 bedrooms] plus 2). That was correct.

However, when a former Community Service Officer, who was responsible at the time for enforcement, was presented with evidence of an occupancy of 12, he insisted that the parking clause had nothing to do with occupancy; he wrote "*NMC 14.25.050(C) applies to parking standards, not occupancy*" and "*The occupancy limit is not affected by the parking limitations, only on the number of listed bedrooms.*". Therefore he did not investigate the obvious violation.

Bottom line, if maximum occupancy is to be reduced due to insufficient parking, that should be explicitly stated in the ordinance.