

First reading by CC on 08/03/16 with edits

ORDINANCE NO. 901

AN ORDINANCE REGULATING VACATION RENTAL DWELLINGS AND AMENDING THE CITY OF GEARHART ZONE ORDINANCE

WHEREAS, the City Council finds there is a need to limit the level of tourist development in order to maintain the predominantly residential character of Gearhart; and

WHEREAS, based on extensive public meetings and public hearings by the Planning Commission and City Council, the City Council finds there is a need to develop Zone Code provisions and procedures for managing vacation rentals; and

WHEREAS, the vacation rental provisions are in compliance with the Gearhart Comprehensive Plan as described in the City Staff Report dated May 17, 2016;

NOW, THEREFORE the City of Gearhart ordains the Gearhart Zone Ordinance shall be modified as follows:

1. Add to Section 1.050 Definitions:

Vacation Rental Dwelling. Any structure, or any portion of any structure, which is occupied or offered or designed for transient occupancy for less than 30 days for dwelling, lodging or sleeping purposes; and includes houses, cabins, condominiums, apartment units or other dwelling units, or portions of any of these dwelling units, that are used for temporary human occupancy, provided such occupancy is for less than a 30-day period.

2. Add a new Article 7 to the Zone Code as follows:

Article 7 Vacation Rental Standards and Procedures

Section 7.010 Purpose

The purpose of these provisions is to control, manage and limit vacation rentals primarily in single-family dwellings. Because of their location in residential zones, their specific characteristics and potential impacts, vacation rentals in dwellings in Gearhart require special consideration so they properly operate with respect to the Comprehensive Plan and the objectives of the underlying zone districts.

Section 7.020 Special Standards Governing Vacation Rentals

1. Neighborhood Exemptions. The Palisades, the Highlands and the East Pine Street neighborhoods are exempt from these provisions because they are not located in the Gearhart city limits. ~~The Breakaway Lodge and the Lodge at Little Beach are also exempt because they are not dwellings and they have historic multiple unit and multi-use characteristics.~~
2. R-A, R-1, R-2 and RCPD Zones.
Vacation rental dwellings are similar to a commercial business use and therefore are not a permitted use in the R-A, R-1, R-2 and RCPD zones.
3. R-3 Zone. A vacation rental in a multi-family dwelling that is zoned R-3 where the multi-family dwelling has 24-hour on-site management is exempt from these provisions. Multi-family dwellings (including condominiums) without 24-hour on-site management and single family dwellings shall obtain a permit from the city in accordance with these provisions. In either case, vacation rentals are permitted and the number of permits in the R-3 zone is unlimited.
4. Limited Permit Offering to obtain a Vacation Rental Permit
Upon the effective date established by City Council Ordinance there will be a one-time 60-day period in which a property owner may file an application for a vacation rental permit from the City of Gearhart. At the time of application the applicant shall provide proof that city lodging taxes were paid on the subject property prior to the end of the 60-day application period. When the one-time 60-day application period expires there shall be no new permit opportunities. The permit application must be deemed complete within 180 days of submittal.

During the permit offering a duplex or multi family structure in a R-2 zone is allowed one (1) vacation rental dwelling permit per ~~tax lot~~ dwelling unit.

Ownership Transfer of a Permit: A vacation rental permit is transferable only by inheritance. A natural person (owner or his/her representative) shall provide the name change to the city for verification and permit renewal. It is the intent that the sale of homes with a rental permit will result in gradual attrition of the total number of dwellings with a vacation rental permit in the city. See Section 8 below.

Section 7.030 Vacation Rental Permit Standards and Procedures

1. Maximum Occupancy Calculation

- a. Occupancy of the rental will be calculated using the three criteria below. Final occupancy will be set by the most limiting criterion. In accordance with the

provisions of Article 8 Variances, an applicant may file an application for a Variance to the Maximum Occupancy Calculation standards.

- 1) Bedrooms/Occupancy - The maximum occupancy for a vacation rental dwelling shall be two persons over the age of 2 years old per bedroom. Occupancy includes occupants sleeping on the property.
- 2) Off-Street Parking - One outside parking space per bedroom is required. A standard parking space shall be a minimum of 9' x 18', except that a 9' x 15' space is permitted for existing structures where the structure is only 15' from the property line. For uses requiring four or more spaces, up to fifty percent of the spaces may be compact in size. A compact space shall be a minimum of 8' x 16', or 15' in depth where the structure is only 15' from the property line. Residential parking spaces are not required to be marked.
- 3) Septic System Capacity - Septic systems must be inspected and the inspection must be reviewed and approved by the Clatsop County Public Health Department. Cesspools are prohibited for use with transient rentals.

b. Notice of Occupancy

- 1) The maximum occupancy, the approved parking diagram, the approved designated representative and city good neighbor policies will be listed on the operating permit, which must be in the rental agreement/contract and posted in a prominent location inside the dwelling within four (4) feet of the entry door.
- 2) For occupancy verification the owner shall provide a guest registry with instructions to the renter, or some other method of occupancy verification for the City to inspect.

2. 24-Hour Representative and Neighbor Notice

- a. 24-hour Representative: The vacation rental owner and designated representative's name, physical address, email address and phone number must be provided to the City upon permit application and renewal. The information shall be kept current at all times. The owner or representative shall be available by phone (24 hours a day, seven days a week) to ensure a

response to complaints regarding emergencies and the condition, operation, or conduct of the occupants. A 24-hour representative must be able to physically respond to the vacation rental site within 30 minutes, and if requested they must respond. If there is a change in the designated representative the property owner must submit to the City the name of the new representative.

- b. Neighbor Notice: The City shall provide an annual mailing, email or otherwise distribute by hand a flier to neighbors within a 200 foot radius of the vacation rental property address. The notice shall contain the owner and representative contact information, a parking plan, and the city website address where the information is also posted. The neighbors and the city shall be informed whenever there is a change in contact information.

3. Residential Appearance

The property occupied by a vacation rental must maintain a residential appearance whereby at least 50% of each surrounding yard on the parcel shall be landscaped with trees, shrubs, flowers or grass so that parking will not dominate any yard.

Signage: is limited to one 12" x 12" unlit sign in accordance with Article 6 Section 6.040 Signs.

4. Off Street Parking Requirements

a. The approved off-street parking spaces must remain available for renters. A parking diagram of the approved parking spaces must be provided to renters and be available in a prominent location within the dwelling. Parking stalls shall meet the minimum standards of Section 7.0301. a. 2) above, and are not required to be paved.

b. No more vehicles shall be parked on the property than there are designated off-street parking spaces. Off-street parking means within private property boundaries.

5. Garbage Service

a. Weekly solid waste collection shall be provided by the owner during all months that the dwelling is available for vacation rental occupancy. Side yard pickup shall be required.

b. A wind latch must be installed by the garbage provider on all outdoor garbage and recycling receptacles.

6. Fire/Safety/Health Inspection

a. Initial Inspection: At the time of initial application the vacation rental shall be inspected by the Building Official or designee. The purpose of this inspection is to assure conformance of the dwelling unit with the State of Oregon Residential Specialty Code, the Uniform Housing Code and the Uniform Fire Code regulations related to potential safety issues and to establish maximum occupancy, including but not limited to an approved means of egress from every bedroom. The applicant is responsible for obtaining DEQ sanitary ~~sewer~~ septic approval from the Clatsop County Environmental Health Department and providing said documentation to the City.

An initial inspection fee of \$125.00 will be charged. Applicants must correct any identified deficiencies within 180- days before a vacation rental permit is issued. A follow-up inspection is included in the initial fee. Any further inspections will cost \$50.00 each.

b. Re-inspections: Commencing January 2019, a randomly selected re-inspection of 20% of the dwellings that have vacation rental permits will be conducted so that over a five-year period all dwellings that have a vacation rental permit will have been re-inspected.

A re-inspection fee of \$50.00 will be charged. At re-inspection applicants must obtain a current sanitary sewer approval from the Clatsop County Environmental Health Department, and correct any identified deficiencies before a vacation rental permit is renewed. Failure to complete the necessary alterations within 30 days of the Building Inspector's notification of required alterations may result in the revocation of the permit.

7. Tsunami Preparedness

Vacation rentals must post the Gearhart Tsunami Evacuation Map in the dwelling. It is also recommended that the dwelling have the following items accessible in their homes with directions in the rental agreement: a "go bag", supplies, and a NOAA weather radio.

8. Permit Limitations

a. Vacation rental permits are transferable only by inheritance to a natural person as directed in a will or trust. The permit is not transferable upon the sale of the property.

b. If the subject dwelling is on property that has a Homeowners Association (HOA) at the time of permitting, the owner of the dwelling shall provide the City with an affidavit of proof that the HOA allows for vacation rental of their dwelling. If not allowed, then the application will be denied.

9. Vacation Rental Permit Issuance and Annual Renewal

The owner shall be issued a permit for a vacation rental dwelling by the City upon completion of all required forms, approval of the dwelling unit by the Building Official or designee, and payment of the initial and annual permit fee of \$600 (nonrefundable), with a \$100 fee reduction if standard tsunami go-bags are provided in the dwelling.

City vacation rental taxes must be paid quarterly on an annual basis for the permit to remain valid, as verified by a City Vacation Rental Tax registration form. Upon notice by the City, if an owner has not paid vacation rental taxes to the city annually (July 1 – June 30), and no proof of payment is provided the vacation rental permit will not be renewed.

10. Violations

The vacation rental permit holder shall be compliant with these standards at all times. Failure to comply will result in revocation of the permit in accordance with Gearhart Zoning Code Article 14 Remedies.

(End of amendments)

Other Pending Action: City Council to develop “Good Neighbor” Policies

The City will develop and adopt by resolution as citywide policy “Good Neighbor Policies and Guidelines”. These shall be included in the rental agreement for a vacation rental. Policies may include:

- General respect for neighbors
- City Noise ordinance parameters
- Garbage disposal service and parking regulations

- Pets
- Tenant/Guest Responsibilities
- City of Gearhart Recycling program
- Tsunami Preparedness information

Passed by the Common Council of the City of Gearhart this 7th day of Sept. 2016.

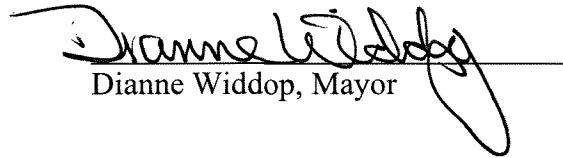
YEAS: 5

NAYS: 0

ABSENT: 0

ABSTAIN: 0

Signed and approved by the Mayor of the City of Gearhart this 7th day of Sept. 2016.


Dianne Widdop, Mayor

ATTEST:



Chad Sweet, City Administrator

ZO.Amend.doc



CITY OF GEARHART



COPY

Date: 08/15/2025

To:

Jeff Miller
2202 SW Kings Ct.
Portland, OR 97205

Subject: Notice of Short-Term Rental Permit Expiration – 101 5th St. (Effective July 23, 2025)

Dear Mr. Miller,

Your Gearhart short-term rental permit for **101 5th St.** expired **July 23, 2025** because the renewal was not completed by the deadline.

For clarity:

- Vacasa's transient lodging tax payment posted on **July 18, 2025**.
- No renewal was submitted between **July 18–23**, and the permit expired at the end of day on **July 23**.
- Under **Ordinance 901**, the City cannot reinstate a permit after it has expired. Properties in the **R-1** zone are not eligible for new STR permits, so reapplication is not available.
- In recent years, other STR permits have also expired due to missed renewal deadlines and were not reinstated. Applying the ordinance consistently to all permit holders is important to ensure fairness in the program's administration.

Appeal Rights – Section 13.060

You may appeal this decision by filing a written appeal with the City within fifteen (15) days of the mailing date of this notice. Appeals must be submitted on a City-provided form, include the required filing fee, and state the specific reasons for the appeal.

The Planning Commission will hold a hearing on the appeal. Notice of the hearing will be provided in the same manner as required for the original decision, and the hearing will follow the procedures in Section 13.050 of the Gearhart Development Code.

The scope of the hearing will be limited to the issues raised in your appeal. The Planning Commission may affirm, reverse, or modify the decision.

A decision of the Planning Commission may be appealed to the City Council by filing a notice of appeal with the City Recorder within fifteen (15) days of the mailing of the Planning Commission's decision. The City Council will review the appeal in the same manner and with the same limitations.

A decision of the City Council may be appealed to the Land Use Board of Appeals (LUBA) in the manner provided by State law.

If you wish to appeal this decision, the **15-day appeal period begins on the date this notice is mailed.**

If you have any questions about this notice or the appeal process, please contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chad Sweet', with a stylized, cursive script.

Chad Sweet

City Administrator – City of Gearhart

503-738-5501

chadsweet@cityofgearhart.com



Krysti Ficker <krysti@cityofgearhart.com>

Notice of Short-Term Rental Permit Expiration - 101 5th St.

1 message

Chad Sweet <chadsweet@cityofgearhart.com>

Fri, Aug 15, 2025 at 10:35 AM

To: Jeffrey Miller <jeffatduckridge@gmail.com>

Cc: lisa.payne@vacasa.com, Krysti Ficker <krysti@cityofgearhart.com>

Jeff,

Attached is the formal notice regarding the expiration of your short-term rental permit for **101 5th St.** (effective July 23, 2025). It includes appeal information and next steps.

We're mailing you a copy of the decision today.

If you have questions, please contact me directly.

Sincerely,
Chad Sweet

503-738-5501

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"Resilient Together!"

Chad Sweet | City Administrator
City of Gearhart
[698 Pacific Way | Gearhart, Oregon 97138](#)
Office: (503) 738-5501 | Fax: (503) 738-9385
chadsweet@cityofgearhart.com

CONFIDENTIALITY NOTICE:

Please do not read, copy, or disseminate this communication unless you are the intended addressee. This e-mail may contain confidential and privileged information intended only for the addressee. If you have received this in error, please notify me via return e-mail.

 **Jeff Miller Permit Expiration.pdf**
810K

7018 3090 0001 4406 4441

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$ 5.30
Extra Services & Fees (check box, add fee as appropriate)
☒ Return Receipt (hardcopy) \$ 4.90
☐ Return Receipt (electronic) \$ _____
☐ Certified Mail Restricted Delivery \$ _____
☐ Adult Signature Required \$ _____
☐ Adult Signature Restricted Delivery \$ _____

Postage

\$ 74

Total Postage and Fees

\$ 10.44

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

Postmark
Here

AUG 15 2025

USPS

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138
(503) 738-5501 • (503) FAX 738-9385

CITY OF GEARHART

APPEAL OF CITY ADMINISTRATOR/PLANNING COMMISSION DECISION

Appeal from Ruling of the City Administrator and/or Planning Commission. An action or ruling of the City Administrator may be appealed to the Planning Commission pursuant to the zoning ordinance. A legislative action or ruling of the City Administrator may be appealed to the City Council. An action or ruling of the Planning Commission may be appealed to the City Council. An appeal of the City Administrator shall be submitted within 15 days of the notice of the decision was mailed by the city. An appeal of the Planning Commission shall be submitted within 15 days of the date the final order is signed. If the appeal is not filed within the 15-day period, the decision shall be final. If the appeal is filed, the City Administrator or Planning Commission shall make a written report and recommendation to the City Council. The City Council shall hold a Public Hearing on the Appeal.

CITY OF GEARHART
CITY COUNCIL MEETS 1ST WEDNESDAY, 7:00 PM
PHONE (503)738-5501

JURISDICTIONAL FILING FEES:
ADMINISTRATIVE APPEAL \$300.00
PLANNING COMMISSION APPEAL \$2,000.00

APPLICANT Jeff Miller

MAILING ADDRESS 2202 SW Kings Ct, Portland, OR 97205

PHONE (503) 312-9689 EMAIL ADDRESS jeff@jlmarchitect.com

PROPERTY OWNER 101 5th Street LLC

MAILING ADDRESS 2202 SW Kings Ct, Portland, OR 97205

PHONE (503) 222-2234

RULING OR DECISION BEING APPEALED

Notice of Short-Term Rental Permit Expiration with no reinstatement.

Per Sec 13.080 of the Gearhart Zoning Code the filing fees established by the City Council shall not include the cost of preparing the record for appeals. Fees for preparation of the record shall not exceed the actual cost. Actual expenses incurred by the City during the process of technical evaluation of an application shall be borne by the applicant, in addition to the filing fees established by Resolution.

SIGNATURE (APPLICANT) [Signature]

DATE

8/20/25

SIGNATURE (OWNER) "SAME AS ABOVE"

DATE

APPEAL

MARCH 2020

JEFFREY L MILLER
ARCHITECT, P.C.



PALD

August 20, 2025

City of Gearhart Planning Commission
PO Box 2510
698 Pacific Way
Gearhart, OR 97138

RE: Appeal Request - Notice of Short-term Rental Permit Expiration – 101 5th St

Dear Planning Commission:

I am writing to respectfully appeal the decision to not renew my rental permit. My assistant attempted to renew the permit on July 7, 2025, but the system would not allow her to complete the renewal. She immediately contacted our property management company, Vacasa, for assistance. Niki with Vacasa then reached out to Krysti Ficker, who explained that the renewal could not be processed because Vacasa had not yet paid the required taxes.

At that point, we were unable to move forward, and we received no further communication from the City of Gearhart or Vacasa once the taxes were paid. This delay was entirely outside of my control. The email chain documents that we attempted to renew on July 7 but were prevented from doing so because of Vacasa's tax issue, not because of any inaction on my part.

When my assistant checked again on July 30, she discovered that the renewal period had already closed, leaving us without the ability to complete the process.

As a longtime member of the Gearhart community, I have always complied with local requirements and acted in good faith. I respectfully request that an exception be granted to reinstate my permit, given that the missed deadline resulted from circumstances beyond my control.

Thank you for your time and consideration.

Sincerely,



Jeffrey L Miller

2202 SW Kings Ct · Portland, OR 97205
(503) 222-2234 · jeff@jlmarchitect.com



CITY OF GEARHART

698 Pacific Way • P.O. Box 2510 • Gearhart, Oregon 97138
(503) 738-5501 • Fax (503) 738-9385

Date: August 30th, 2025

Jeff Miller
2202 SW Kings Ct
Portland, OR 97205
Email: jeff@jlmarchitect.com
Phone: (503) 312-9689

SUBJECT: Completeness Review and Notice of Hearing – Appeal of Short-Term Rental Permit Expiration for 101 5th Street (File #25-07 APPL).

Dear Mr. Miller,

The City reviewed your appeal application submitted on August 20, 2025. Your application is complete.

The Gearhart Planning Commission will hold a public hearing on the appeal on Thursday, October 9th, 2025, at 6:00 p.m. in Gearhart City Hall, 698 Pacific Way, via video and teleconference call. Participation information will be available at <https://www.cityofgearhart.com/calendar> closer to the hearing date.

Applicable Criteria can be found in Gearhart Zoning Ordinance Article 13 Administrative Provisions (Section 13.060 Appeals) and Article 7 Vacation Rental Standards and Procedures.

A copy of the appeal application, all documents, staff reports, evidence relied upon, and applicable criteria pertinent to the appeal will be available for review and may be obtained seven (7) days prior to the hearing on the city website (www.cityofgearhart.com) and at Gearhart City Hall, 698 Pacific Way. Copies may be obtained at a reasonable cost. All interested parties are invited to express their opinion at the hearing, by letter addressed to the Gearhart Planning Commission, P.O. Box 2510, Gearhart, Oregon 97138, or by email at planning@cityofgearhart.com received by 5:00 p.m. on Tuesday, October 7th, 2025. The public hearing will be conducted in accordance with Section 13.050 of the Gearhart Zoning Ordinance.

Any person testifying may appeal the decision; however, failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker and the parties an adequate opportunity to respond to an issue precludes appeal to the Land Use Board of Appeals based on that issue, or to seek damages in circuit court due to a condition of approval.

GEARHART HOUSE

TIMELINE

PRIOR TO JUNE 13TH

Attempted to renew permit. Could not Complete.

JULY 7TH

Niki responded by CCing me on her email to krysti at the city. Said she wanted to double check with Kristi before submitting again.
SEE ATTACHED
PAGES 4-5

JULY 7TH

Attempted to renew again. Message asked for April-June income. Sent screenshot of message to vacasa, to both Terralee and Niki Herold asking how to answer that.
SEE ATTACHED
PAGES 1- 3

JULY 7TH

Krysti with the city emailed Vacasa and jlm email stating that you cannot renew until the taxes have been paid by Vacasa. SEE ATTACHED
PAGE 6

TIMELINE

JULY 8TH

Niki with Vacasa emailed
Just jlm email
requesting that we
wait until the **15th or
afterwards** stating that
they are waiting for the
taxes to be
Received by the city. No
due date was noted
aside from the "15th or
Afterwards". **PAGE 7**

JULY 8TH-28TH

No information was
received from Vacasa or
the city about the taxes
being paid. Jlm and
jeffatduckridge emails
were thoroughly reviewed.

JULY 28TH

Attempted to apply for
the permit again and
received a message
stating I could no longer
submit for the
Permit.

JULY 28TH 3:29 PM

Chad sweet left a
voicemail wanting to
discuss 3 things:
1 Development
2 Old citation
3 "Short term rental
license"
PAGE 8

GEARHART HOUSE

TIMELINE

JULY 28TH

Christina called Chad and let him know that I had been trying to renew the permit beginning July 7. After attempting to renew it again, just then, I received a message that I could not renew the permit.

Chad said he would review with Krysti and put me back in contact with her after confirming "krysti@cityofgearhart.com" is who had emailed me and Niki.

JULY 28TH-30TH

Krysti did not reach back out after her discussion with Chad.

JULY 30TH

Email was received from lisa payne @ vacasa stating that the Permit was not renewed and they would be canceling all reservations and ending the business relationship related to that property.

PAGE 9.

JULY 30TH

I sent an email to everyone I had been in contact with at Vacasa and with the city explaining the entire situation: I was told to wait, was not notified when the taxes were submitted, and was told I would be connected with Krysti after she and Chad discussed the issue. **PAGE 10**

GEARHART HOUSE

TIMELINE

JULY 30TH 1:16 PM

I sent an email to jeff explaining the entire situation, as requested.

PAGE 11

JULY 30TH

Krysti emailed confirming that Vacasa had not sent necessary tax information for the property which is why the permit could not be renewed. She stated that the taxes were due the 15th, received in the mail on the 17th, and posted the 18th at 4pm (Friday). She stated that a confirmation email was sent but we do not have any tax confirmations in either email account jeffatduckridge@gmail.com or jeff@jlmarchitect.com for any tax payments made by Vacasa at any time.

PAGE 12

JULY 30TH

RESPONDED TO KRYSTI, EXPLAINED THE SITUATION AGAIN. **PAGE 13.**

JULY 30TH

Received out of office auto reply to my email from Krysti and forwarded that to jeff.

GEARHART HOUSE

TIMELINE

JULY 31 8:59 A.M.

Jeff emailed Chad
SEE 14

JULY 31

Chad responded and
said he put a temporary
hold until Krysti
Returned from vacation.
SEE 15

JULY 31

I responded to Chad
explaining the situation
again.
PAGE 16.

AUGUST 15TH

Permit cancellation
was received from the
city.
PAGE 17

GEARHART HOUSE

TIMELINE

AUGUST 20TH

Christina called Krysti and she provided information on how to proceed with an appeal

PAGE 18

AUGUST 20TH

Jeff dropped off the appeal with incorrect date on cover page

PAGE 19

AUGUST 27TH

A corrected cover page was sent reflecting correct date of another attempt to submit for permit and subsequent phone call with Chad, July 28 instead of July 30. SEE ATTACHED

PAGE 20



5th St Permit Renewal question

From Jeff Miller <jeff@jlmarchitect.com>

Date Mon 7/7/2025 2:15 PM

To Terralee Cruz Ignacio <terraleee.cruz-ignacio@vacasa.com>

Hi Terralee,

I see a question on the permit renewal (Screenshot attached) and I don't know how to answer it. It is asking for April - June Income but I don't know what "Channel" the income is from. I don't remember seeing this in previous years.

Thank you,
Christina

--

Christina Carpenter

Office Manager

Jeffrey L. Miller Architect, PC

2202 SW Kings Ct

Portland, OR 97205

jeff@jlmarchitect.com

(503) 222-2234

Rental Dwelling Permit and Tax Payment Form

which short-term rental platforms or channels have you received taxable receipts for the quarter?

VRBO/HomeAway

Only Platforms/Channels
other than VRBO/HomeAway

Both VRBO/HomeAway
Platforms/Channels
than VRBO/HomeAway



Fw: 5th St Permit Renewal question

From Jeff Miller <jeff@jlmarchitect.com>
Date Mon 7/7/2025 2:20 PM
To Niki Herold <niki.herold@vacasa.com>
Cc Terralee Cruz Ignacio <terralee.cruz-ignacio@vacasa.com>

 1 attachment (246 KB)

Permit Question VRBO HomeAway Channels.png;

Hello Niki,

I thought I would send you this question as well. Please see below email and attachment. I am not sure which option to choose.

Thank you,
Christina

From: Jeff Miller <jeff@jlmarchitect.com>
Sent: Monday, July 7, 2025 2:15 PM
To: Terralee Cruz Ignacio <terralee.cruz-ignacio@vacasa.com>
Subject: 5th St Permit Renewal question

Hi Terralee,

I see a question on the permit renewal (Screenshot attached) and I don't know how to answer it. It is asking for April - June Income but I don't know what "Channel" the income is from. I don't remember seeing this in previous years.

Thank you,
Christina

--
Christina Carpenter

Office Manager

Jeffrey L. Miller Architect, PC

2202 SW Kings Ct

Portland, OR 97205

jeff@jlmarchitect.com

(503) 222-2234



Re: Fw: 5th St Permit Renewal question

From Jeff Miller <jeff@jlmarchitect.com>
Date Mon 7/7/2025 2:39 PM
To Niki Herold <niki.herold@vacasa.com>
Cc Terralee Cruz Ignacio <terralee.cruz-ignacio@vacasa.com>

Thanks so much.

Christina

From: Niki Herold <niki.herold@vacasa.com>
Sent: Monday, July 7, 2025 2:30 PM
To: Jeff Miller <jeff@jlmarchitect.com>
Cc: Terralee Cruz Ignacio <terralee.cruz-ignacio@vacasa.com>
Subject: Re: Fw: 5th St Permit Renewal question

Hello,

That is quite interesting, as I just assisted another homeowner with their renewal and this wasn't something that came up either. I'll reach out to Krysti at the city and cc you in the email to get her opinion before you submit it.

Vacasa should be the only platform that you receive taxable receipts from so I'm inclined to say "Only Platforms/Channels other than VRBO/HomeAway." But I want to double check with Krysti before moving forward since Vacasa should be remitting the taxes.



Niki Herold

She/Her

Compliance Coordinator OR/WA | Owner Success

Office Hours: M-F 7am to 3:30pm

[Vacasa.com](https://www.vacasa.com)

On Mon, Jul 7, 2025 at 2:21 PM Jeff Miller <jeff@jlmarchitect.com> wrote:
Hello Niki,

5

I thought I would send you this question as well. Please see below email and attachment. I am not sure which option to choose.

Thank you,
Christina

From: Jeff Miller <jeff@jlmarchitect.com>
Sent: Monday, July 7, 2025 2:15 PM
To: Terralee Cruz Ignacio <terralee.cruz-ignacio@vacasa.com>
Subject: 5th St Permit Renewal question

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Thank you,
Christina

--

Christina Carpenter
Office Manager

Jeffrey L. Miller Architect, PC
2202 SW Kings Ct
Portland, OR 97205
jeff@jlmarchitect.com
(503) 222-2234

6



Niki Herold

She/Her

Compliance Coordinator OR/WA | Owner Success

Office Hours: M-F 7am to 3:30pm

[Vacasa.com](https://www.vacasa.com)

On Mon, Jul 7, 2025 at 2:53 PM Krysti Ficker <krysti@cityofgearhart.com> wrote:

Hello Niki,

You can't renew this permit until the quarterly taxes have been paid (by Vacasa). I usually don't get the check until the 15th or so. His renewal is always processed pretty close to the expiration deadline for this reason.

You will know they've been paid when this screen no longer appears.

Please make sure when you do process this permit, since you're doing it as the property owner, that Vacasa Representative doesn't appear anywhere other than the Emergency Contact with the x6887 phone number. In other words, please clean up the fields/edit as you click through if you see something that isn't correct based on the field name.

Thank you,

Krysti

On Mon, Jul 7, 2025 at 2:36 PM Niki Herold <niki.herold@vacasa.com> wrote:

Hey Krysti,

Hope you are doing well! I wanted to reach out regarding 101 5th Street. Please see the attached screenshot. It is asking what tax platforms or channels the owner had taxable receipts for. I don't believe this has been asked previously in the application process since Vacasa usually handles the taxable receipts on the owner's behalf. I wanted to see if we would choose the option of "Only Platforms/Channels other than VRBO/HomeAway." or if this is something we need to ignore since Vacasa remits the taxes.

Please let me know 😊 Thanks!



Niki Herold

She/Her

Compliance Coordinator OR/WA | Owner Success

Office Hours: M-F 7am to 3:30pm

Vacasa.com

--

Krysti Ficker | Executive Administration

City of Gearhart

698 Pacific Way PMB 2510 | Gearhart, Oregon 97138

Office: (503) 738-5501 | Fax: (503) 738-9385

krysti@cityofgearhart.com

"Happy to help!"

CONFIDENTIALITY NOTICE:

Please do not read, copy, or disseminate this communication unless you are the intended addressee. This e-mail may contain confidential and/or privileged information intended only for the addressee. If you have received this in error, please notify me via return e-mail.

7



Re: 101 5th Street Permit Renewal question

From Jeff Miller <jeff@jlmarchitect.com>
Date Tue 7/8/2025 7:56 AM
To Niki Herold <niki.herold@vacasa.com>

Yes, I saw those emails so I will wait until after the 15th. I thought I was late on the renewal so this is a relief.

Thanks again,
Christina

From: Niki Herold <niki.herold@vacasa.com>
Sent: Tuesday, July 8, 2025 7:26 AM
To: Jeff Miller <jeff@jlmarchitect.com>
Subject: Re: 101 5th Street Permit Renewal question

Hello!

I am sure you saw the note from Krysti regarding your renewal. Please wait until the 15th or afterwards, when that screen does not appear anymore, to submit your renewal. Just waiting for Vacasa's payment for the taxes to be received by the city to process that portion. Krysti was under the impression I was submitting the renewal for you, but I will leave it to you to complete. If you do need any assistance, I am here to help!

Thanks,



Niki Herold

She/Her

Compliance Coordinator OR/WA | Owner Success

Office Hours: M-F 7am to 3:30pm

[Vacasa.com](https://www.vacasa.com)

On Tue, Jul 8, 2025 at 7:23 AM Niki Herold <niki.herold@vacasa.com> wrote:
Perfect! Thank you so much for your assistance Krysti.

GEARHART

(503) 738-5501 • SEASIDE, OR

Verified



00:30

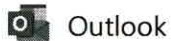
Hey, this message is for Jeff Miller. Jeff, it's Chad Sweet, City of Gearhart. Give me a call. It's your earliest convenience. I got three things I got to talk to you about. You wanted to talk about development somewhere. We have an old citation also that I need to discuss with you and your short term rental licensing. You can reach me at 503-738-5501. Talk to you soon, Jeff. Thanks.

Jul 28, 2025

3:29 PM

8

9



Rental Permit Canceled

From Lisa Payne <lisa.payne@vacasa.com>

Date Wed 7/30/2025 10:21 AM

To Jeff Miller <jeff@jlmarchitect.com>

Cc Terralee Cruz Ignacio <terraleee.cruz-ignacio@vacasa.com>; Fahryn Hackett <fahryn.hackett@vacasa.com>

Hello Jeff,

I am following up on the status of your property in Gearhart. I talked to Krysti with the city, and your permit was not renewed, and you will not be able to reinstate it. Unfortunately, we will need to move the guest coming in on Friday, as well as all future reservations, and terminate your property with Vacasa.

We will clean this Friday after the current guest, and then it will be ready for your complimentary owner stay from 8/9-8/14. We can clean after the next two owner stays, and then on 8/24, that will be the last clean. We will remove our signage and elock at that time.

Please let me know if you have any questions.

Thank you,



Lisa Payne

Senior General Manager | OR Coast and WA Peninsula

m: 503-440-8348

[vacasa.com](https://www.vacasa.com)

My days off are Saturday/Sunday.

My favorite Vacasa destination is Maui.

10



Fw: Rental Permit Canceled

From Jeff Miller <jeff@jlmarchitect.com>

Date Wed 7/30/2025 12:37 PM

To Niki Herold <niki.herold@vacasa.com>; Krysti Ficker <krysti@cityofgearhart.com>; Chad Sweet <chadsweet@cityofgearhart.com>

Cc Terralee Cruz Ignacio <terralee.cruz-ignacio@vacasa.com>; Fahryn Hackett <fahryn.hackett@vacasa.com>

Niki and Krysti,

We were emailing about this on July 7th because I had been unable to complete the renewal because Vacasa had not filed the returns so I was getting an error message. I was told that the renewal was due in July by both of you. If it needed to be done by mail and a check I should have been told that. Instead I was told to wait until Vacasa made the payment. I was not notified by Vacasa that it was done but when I went in to see if it would work I got a new error message saying I couldn't file the renewal. I called Chad Sweet immediately and he said he would connect me with Krysti again. I told him if I need to do it by sending a check and the paperwork the old fashion way I was happy to do that. I could have sent it next day but nobody told me I should do it that way.

What is going on? This is completely unacceptable.

Christina

--

Christina Carpenter

Office Manager

Jeffrey L. Miller Architect, PC

2202 SW Kings Ct

Portland, OR 97205

jeff@jlmarchitect.com

(503) 222-2234

Christina

From: Lisa Payne <lisa.payne@vacasa.com>

Sent: Wednesday, July 30, 2025 10:21 AM

To: Jeff Miller <jeff@jlmarchitect.com>

Cc: Terralee Cruz Ignacio <terralee.cruz-ignacio@vacasa.com>; Fahryn Hackett <fahryn.hackett@vacasa.com>

Subject: Rental Permit Canceled

Hello Jeff,

I am following up on the status of your property in Gearhart. I talked to Krysti with the city, and your permit was not renewed, and you will not be able to reinstate it. Unfortunately, we will need to move the guest coming in on Friday, as well as all future reservations, and terminate your property with Vacasa.

We will clean this Friday after the current guest, and then it will be ready for your complimentary owner stay from 8/9-8/14. We can clean after the next two owner stays, and then on 8/24, that will be the last clean. We will remove our signage and elock at that time.

Please let me know if you have any questions.

Thank you,



Lisa Payne

Senior General Manager | OR Coast and WA Peninsula

m: 503-440-8348

vacasa.com

My days off are Saturday/Sunday.

My favorite Vacasa destination is Maui.

Fw: Fw: Rental Permit Canceled

From Jeff Miller <jeff@jlmarchitect.com>
Date Wed 7/30/2025 1:16 PM
To Jeffrey Miller <jeffatduckridge@gmail.com>

Jeff,

My email below was sent to Vacasa and the city. Terralee forwarded my response to Lisa with Vacasa. I was talking to her when you called me just now and she said the city doesn't want rentals there so they are using any excuse to get rid of permits that are issued. She said I shouldn't have included the city in my email because there is a \$500/day fine for renting without a permit. I did not mention anything in my email about it being rented but Lisa made reference to canceling the reservation that is coming in Friday.

Details:

July 7th I was emailing with the city and Vacasa "Niki with Vacasa and Krysti with the city) because I was getting an error message when attempting to renew the permit.

Krysti notified me that the error message was because Vacasa had not filed the returns.

I was told that the renewal was due in July by both of them. Lisa told me it was July 23rd just now.

If it needed to be done by mail and a check I should have been told that. Instead I was told to wait until Vacasa made the payment.

I was not notified by Vacasa that it was done.

On Monday I went in to see if I could submit it.

I got a new error message saying I couldn't file the renewal.

I called Chad Sweet immediately and he said he would connect me with Krysti again. I told him if I need to do it by sending a check and the paperwork the old fashion way I was happy to do that.

I could have sent it next day at any point but nobody told me I should do it that way.

Christina

From: Terralee Cruz Ignacio <terralee.cruz-ignacio@vacasa.com>
Sent: Wednesday, July 30, 2025 12:51 PM
To: Jeff Miller <jeff@jlmarchitect.com>; Lisa Payne <lisa.payne@vacasa.com>
Cc: Niki Herold <niki.herold@vacasa.com>; Krysti Ficker <krysti@cityofgearhart.com>; Chad Sweet <chadsweet@cityofgearhart.com>; Fahryn Hackett <fahryn.hackett@vacasa.com>
Subject: Re: Fw: Rental Permit Canceled

+Lisa Payne



Terralee Cruz-Ignacio

Local Operations Manager | Gearhart -Seaside, OR



Re: Fw: Rental Permit Canceled

From Krysti Ficker <krysti@cityofgearhart.com>

Date Wed 7/30/2025 2:05 PM

To Jeff Miller <jeff@jlmarchitect.com>

Cc Niki Herold <niki.herold@vacasa.com>; Chad Sweet <chadsweet@cityofgearhart.com>; Terralee Cruz Ignacio <terralee.cruz-ignacio@vacasa.com>; Fahryn Hackett <fahryn.hackett@vacasa.com>; Lisa Payne <lisa.payne@vacasa.com>

Hello Christina,

I did not receive a reply from you/Jeff throughout my email chain with Niki that occurred July 7th & 8th re: 101 5th St's STR renewal.

To clarify, the system does not give an error message. That was not the issue Nikki was having.

Nikki was trying to renew Jeff's permit on July 7th, and was stuck on the screen asking for gross receipts. I told her the receipts and payment for transient tax come from Vacasa headquarters, and we hadn't received them yet as they weren't even technically due yet. I told her we usually don't receive them until on or around the 15th, which is the due date. I told her, and you on the email chain, that once they were posted, the screen asking for receipts when processing the renewal would no longer pop up. (We never want anyone to "guess" or just enter \$0 to bypass that screen.) I received Vacasa's taxes in July 17th's mail and posted them all July 18th; the notification is immediately sent out like it is every quarter. All 19 Vacasa property owners get the same confirmation. Even if the confirmation email was missed by you or Jeff, starting the renewal in the portal again would've been no problem because that screen wouldn't appear since they were posted. (Entry is time-date stamped.)

Again, there are no "error messages" that occur when tax hasn't been paid. What occurs is just a screen that asks for receipt entry, which disappears once they've been posted. Nikki was able to get through the renewal all the way to that tax screen. According to Granicus/Host Compliance, there are no documented bugs, glitches, or errors with the software portal over that timeframe. I'm double-checking that with their IT! If a permit# was typed in incorrectly, that would error and say the permit doesn't exist, but that would be operator error and nothing to do with the portal not functioning properly.

Chad told me he spoke to you, Christina, and that you would be emailing me. I heard him give you my email address. That was on Monday and I've received nothing until now. We have had other owners expire and were not granted an exception for reinstatement due to no existing provision within the ordinance allowing it. Two paper letters go out at the 60-day and 30-day reminder marks, in addition to emailed reminders stating the expiration date. Vacasa only needed a few days to pay the taxes when due. After that, there were 5 more days to process the renewal.

This is all the information I have as the processor. I will let you know confirmation of portal functionality from Host Compliance IT when I receive it. Chad is cc: on this and can chime in as he is code enforcement, now has the file, and is fully aware of the situation.



Fw: 5th St Permit Renewal question

From Jeff Miller <jeff@jlmarchitect.com>

Date Wed 7/30/2025 4:00 PM

To Krysti Ficker <krysti@cityofgearhart.com>

Cc Jeffrey Miller <jeffatduckridge@gmail.com>; Niki Herold <niki.herold@vacasa.com>; Chad Sweet <chadsweet@cityofgearhart.com>; Terralee Cruz Ignacio <terralee.cruz-ignacio@vacasa.com>; Fahryn Hackett <fahryn.hackett@vacasa.com>; Lisa Payne <lisa.payne@vacasa.com>

 1 attachment (246 KB)

Permit Question VRBO HomeAway Channels.png;

This is my original email to Vacasa. Niki is who connected my question to you. This is the screenshot that I attached to my email. It wouldn't allow me to move forward as you stated but I didn't know why. That is why I am referring to it as an "error". It is something that had not come up in previous years and it would not allow me to move forward.

I did not receive anything when Vacasa submitted what they needed to submit and since the reference was that it was due in July, I checked on Monday, before the end of the month. I did not know it was due by the 23rd.

It is very clear that I attempted to renew that permit on the 7th and the email chain shows that was not possible because of something that was not Jeff's doing. Are you telling him that you are not renewing his permit because of a delay that was not caused by him?

Christina

--

Christina Carpenter
Office Manager

Jeffrey L. Miller Architect, PC
2202 SW Kings Ct
Portland, OR 97205
jeff@jlmarchitect.com
(503) 222-2234

From: Jeff Miller <jeff@jlmarchitect.com>

Sent: Monday, July 7, 2025 2:20 PM

To: Niki Herold <niki.herold@vacasa.com>

Cc: Terralee Cruz Ignacio <terralee.cruz-ignacio@vacasa.com>

Subject: Fw: 5th St Permit Renewal question

Hello Niki,

I thought I would send you this question as well. Please see below email and attachment. I am not sure which option to choose.

Thank you,
Christina

From: Jeff Miller <jeff@jlmarchitect.com>
Sent: Monday, July 7, 2025 2:15 PM
To: Terralee Cruz Ignacio <terralee.cruz-ignacio@vacasa.com>
Subject: 5th St Permit Renewal question

Hi Terralee,

I see a question on the permit renewal (Screenshot attached) and I don't know how to answer it. It is asking for April - June Income but I don't know what "Channel" the income is from. I don't remember seeing this in previous years.

Thank you,
Christina

--

Christina Carpenter
Office Manager

Jeffrey L. Miller Architect, PC
2202 SW Kings Ct
Portland, OR 97205
jeff@jlmarchitect.com
(503) 222-2234

Jeffrey L. Miller

15

----- Forwarded message -----

From: **Chad Sweet** <chadsweet@cityofgearhart.com>

Date: Thu, Jul 31, 2025 at 9:50 AM

Subject: Re:

To: Jeffrey Miller <jeffatduckridge@gmail.com>

CC: Krysti Ficker <krysti@cityofgearhart.com>

Subject: Temporary Hold on Permit Expiration

Hi Jeff,

The person you're thinking of is Krysti, not Kristen. She and I have been in communication about this situation, and I respectfully disagree that this was a technical issue. That said, I'd like to take a small step back and revisit the matter with Krysti once she returns from vacation.

From my initial review, it appears there were missed opportunities on your side to stay on top of the permitting process. This seems to be more about missed deadlines than technical issues. Krysti made multiple efforts starting in May—through two letters and several emails—to ensure you were aware of upcoming deadlines.

Additionally, based on what we've seen, Vacasa reported the taxes five days prior to the permit expiration, and there was no follow-up during that window. From our perspective, Vacasa fulfilled their responsibilities. It's ultimately the property owner's duty to maintain permit compliance.

That said, with Krysti out of the office, I'm placing a temporary hold on the permit expiration to allow time for a full review. Please understand that we've held other permit holders accountable in similar situations, and some have lost permits due to missed deadlines. I can't yet say whether an exception will be possible here.

For now, I'm proposing a two-week grace period while I gather the remaining details. I recommend you contact Vacasa to let them know of this temporary hold. This is not a signal that the permit will be reinstated—only that we're taking time to fully understand the timeline and facts.

My goal is to make a final decision by August 15. We may need slight flexibility on that date, but that's the general target.

Best,

Chad

On Thu, Jul 31, 2025 at 8:59 AM Jeffrey Miller <jeffatduckridge@gmail.com> wrote:

Hi

My 1st st question is awaiting the survey to be resolved.

But another situation has come up that is urgent and Kristen is out until the 11th

Our rental permit was terminated due to lack of payment and Vacasa is cancelling our renters.

These r people that have planned their vacations for many months and paid in advance.

There is an explanation that my assistant has sent to you.

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The paperwork had been done and check written but a techno/ bureaucratic issue kept it from being processed.

My assistant was in touch with Kristen who told her not to mail it in as your system was not accepting it.

Please help me get this resolved as 2 families may have their summer vacations cancelled .

This is tremendously upsetting.

Thanks Chad,

Jeff

Jeffrey L. Miller

--

"Resilient Together!"

Chad Sweet | City Administrator

City of Gearhart

698 Pacific Way | Gearhart, Oregon 97138

Office: (503) 738-5501 | Fax: (503) 738-9385

chadsweet@cityofgearhart.com

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This e-mail may contain confidential and privileged information intended only for the addressee. If you have received this in error, please notify me via return e-mail.



Re: Fwd: Temporary Hold on Permit Expiration

From Jeff Miller <jeff@jlmarchitect.com>

Date Thu 7/31/2025 10:53 AM

To Jeffrey Miller <jeffatduckridge@gmail.com>

Cc Chad Sweet <chadsweet@cityofgearhart.com>; Jeffrey Miller <jeffatduckridge@gmail.com>; Krysti Ficker <krysti@cityofgearhart.com>

Chad,

As explained in what I emailed everyone yesterday. The only deadline missed (that I told you in my email yesterday) was July 23rd. Yes, I missed that deadline because the conversation was that the permit was due in July. I thought that meant the end of July. I did not see that the deadline was the 23rd. I did not know that the deadline was July 23rd until Lisa at Vacasa told me that yesterday. There is A LOT of paper that goes through this office and I am reviewing it today to see what I missed.

So, when I went in on Monday, before the end of July, 2 business days past that deadline that I didn't realize existed, to see if I could renew it, I saw that it would no longer allow us to renew the permit. I called you right away and asked if I needed to drive to the coast to drop it off or mail it.

I could not renew the permit in May because Vacasa hadn't filed the taxes. Vacasa did not notify me when it was paid so that week that you are referring to, I did not know it was paid and I did not know about the deadline on July 23rd. My error.

I respectfully request that an exception is made for Jeff because of me missing that deadline.

Thank you,
Christina

--

Christina Carpenter

Office Manager

Jeffrey L. Miller Architect, PC

2202 SW Kings Ct

Portland, OR 97205

jeff@jlmarchitect.com

(503) 222-2234

From: Jeffrey Miller <jeffatduckridge@gmail.com>

Sent: Thursday, July 31, 2025 10:01 AM

To: Jeff Miller <jeff@jlmarchitect.com>

Subject: Fwd:



Fwd: Notice of Short-Term Rental Permit Expiration - 101 5th St.

From Jeffrey Miller <jeffatduckridge@gmail.com>

Date Tue 8/19/2025 6:43 PM

To Jeff Miller <jeff@jlmarchitect.com>

 1 attachment (810 KB)

Jeff Miller Permit Expiration.pdf;

Jeffrey L. Miller

----- Forwarded message -----

From: **Chad Sweet** <chadsweet@cityofgearhart.com>

Date: Fri, Aug 15, 2025 at 10:36 AM

Subject: Notice of Short-Term Rental Permit Expiration - 101 5th St.

To: Jeffrey Miller <jeffatduckridge@gmail.com>

CC: <lisa.payne@vacasa.com>, Krysti Ficker <krysti@cityofgearhart.com>

Jeff,

Attached is the formal notice regarding the expiration of your short-term rental permit for **101 5th St.** (effective July 23, 2025). It includes appeal information and next steps.

We're mailing you a copy of the decision today.

If you have questions, please contact me directly.

Sincerely,
Chad Sweet

503-738-5501

--

"Resilient Together!"

Chad Sweet | City Administrator
City of Gearhart

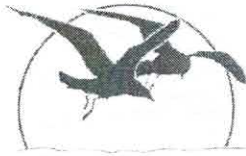
698 Pacific Way | Gearhart, Oregon 97138

Office: (503) 738-5501 | Fax: (503) 738-9385

chadsweet@cityofgearhart.com

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CITY OF GEARHART

Date: 08/15/2025

To:

Jeff Miller
2202 SW Kings Ct.
Portland, OR 97205

Subject: Notice of Short-Term Rental Permit Expiration – 101 5th St. (Effective July 23, 2025)

Dear Mr. Miller,

Your Gearhart short-term rental permit for **101 5th St.** expired **July 23, 2025** because the renewal was not completed by the deadline.

For clarity:

- Vacasa's transient lodging tax payment posted on **July 18, 2025**.
- No renewal was submitted between **July 18–23**, and the permit expired at the end of day on **July 23**.
- Under **Ordinance 901**, the City cannot reinstate a permit after it has expired. Properties in the **R-1** zone are not eligible for new STR permits, so reapplication is not available.
- In recent years, other STR permits have also expired due to missed renewal deadlines and were not reinstated. Applying the ordinance consistently to all permit holders is important to ensure fairness in the program's administration.

Appeal Rights – Section 13.060

You may appeal this decision by filing a written appeal with the City within fifteen (15) days of the mailing date of this notice. Appeals must be submitted on a City-provided form, include the required filing fee, and state the specific reasons for the appeal.

The Planning Commission will hold a hearing on the appeal. Notice of the hearing will be provided in the same manner as required for the original decision, and the hearing will follow the procedures in Section 13.050 of the Gearhart Development Code.

The scope of the hearing will be limited to the issues raised in your appeal. The Planning Commission may affirm, reverse, or modify the decision.


A decision of the Planning Commission may be appealed to the City Council by filing a notice of appeal with the City Recorder within fifteen (15) days of the mailing of the Planning Commission's decision. The City Council will review the appeal in the same manner and with the same limitations.

A decision of the City Council may be appealed to the Land Use Board of Appeals (LUBA) in the manner provided by State law.

If you wish to appeal this decision, the **15-day appeal period begins on the date this notice is mailed.**

If you have any questions about this notice or the appeal process, please contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chad Sweet', written in a cursive style.

Chad Sweet

City Administrator – City of Gearhart
503-738-5501
chadsweet@cityofgearhart.com



Re: Fw: Permit 5th St

From Chad Sweet <chadsweet@cityofgearhart.com>

Date Wed 8/20/2025 8:23 AM

To Jeff Miller <jeff@jlmarchitect.com>

Cc Jeffrey Miller <jeffatduckridge@gmail.com>; Angoleana Brien <planning@cityofgearhart.com>; Krysti Ficker <krysti@cityofgearhart.com>

 1 attachment (69 KB)

Appeal Application PC.pdf;

Hello Jeff,

The form is sent after a letter to the planning commission requesting an appeal is received. Since we know it's coming, I attached it below. Please include a written (letter) request with the attached form and fee when you're ready to submit.

Thank you,

Krysti for Chad

On Tue, Aug 19, 2025 at 5:35 PM Jeff Miller <jeff@jlmarchitect.com> wrote:

Where is the form for the appeal? I do not see it on the website. Do you have a link?

From: mckayla100@icloud.com <mckayla100@icloud.com>

Sent: Friday, August 15, 2025 11:09 AM

To: Jeff Miller <jeff@jlmarchitect.com>

Subject: Permit 5th St

Sent from my iPhone

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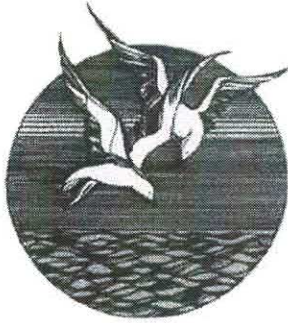
"Resilient Together!"

Chad Sweet | City Administrator
City of Gearhart
698 Pacific Way | Gearhart, Oregon 97138

Office: (503) 738-5501 | Fax: (503) 738-9385
chadsweet@cityofgearhart.com

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CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138
(503) 738-5501 • (503) FAX 738-9385

CITY OF GEARHART

APPEAL OF CITY ADMINISTRATOR/PLANNING COMMISSION DECISION

Appeal from Ruling of the City Administrator and/or Planning Commission. An action or ruling of the City Administrator may be appealed to the Planning Commission pursuant to the zoning ordinance. A legislative action or ruling of the City Administrator may be appealed to the City Council. An action or ruling of the Planning Commission may be appealed to the City Council. An appeal of the City Administrator shall be submitted within 15 days of the notice of the decision was mailed by the city. An appeal of the Planning Commission shall be submitted within 15 days of the date the final order is signed. If the appeal is not filed within the 15-day period, the decision shall be final. If the appeal is filed, the City Administrator or Planning Commission shall make a written report and recommendation to the City Council. The City Council shall hold a Public Hearing on the Appeal.

CITY OF GEARHART
CITY COUNCIL MEETS 1ST WEDNESDAY, 7:00 PM
PHONE (503)738-5501

JURISDICTIONAL FILING FEES:
ADMINISTRATIVE APPEAL \$300.00
PLANNING COMMISSION APPEAL \$2,000.00

APPLICANT _____

MAILING ADDRESS _____

PHONE _____ EMAIL ADDRESS _____

PROPERTY OWNER _____

MAILING ADDRESS _____

PHONE _____

RULING OR DECISION BEING APPEALED

Per Sec 13.080 of the Gearhart Zoning Code the filing fees established by the City Council shall not include the cost of preparing the record for appeals. Fees for preparation of the record shall not exceed the actual cost. Actual expenses incurred by the City during the process of technical evaluation of an application shall be borne by the applicant, in addition to the filing fees established by Resolution.

SIGNATURE (APPLICANT) _____ DATE _____

SIGNATURE (OWNER) _____ DATE _____

APPEAL

MARCH 2020

19

JEFFREY L MILLER

ARCHITECT, P.C.

August 20, 2025

City of Gearhart Planning Commission
PO Box 2510
698 Pacific Way
Gearhart, OR 97138

RE: Appeal Request - Notice of Short-term Rental Permit Expiration – 101 5th St

Dear Planning Commission:

I am writing to respectfully appeal the decision to not renew my rental permit. My assistant attempted to renew the permit on July 7, 2025, but the system would not allow her to complete the renewal. She immediately contacted our property management company, Vacasa, for assistance. Niki with Vacasa then reached out to Krysti Ficker, who explained that the renewal could not be processed because Vacasa had not yet paid the required taxes.

At that point, we were unable to move forward, and we received no further communication from the City of Gearhart or Vacasa once the taxes were paid. This delay was entirely outside of my control. The email chain documents that we attempted to renew on July 7 but were prevented from doing so because of Vacasa's tax issue, not because of any inaction on my part.

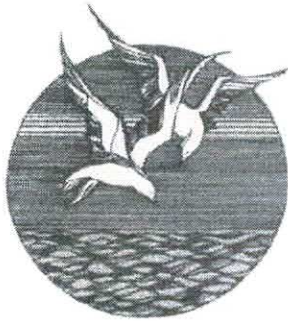
When my assistant checked again on July 30, she discovered that the renewal period had already closed, leaving us without the ability to complete the process.

As a longtime member of the Gearhart community, I have always complied with local requirements and acted in good faith. I respectfully request that an exception be granted to reinstate my permit, given that the missed deadline resulted from circumstances beyond my control.

Thank you for your time and consideration.

Sincerely,

Jeffrey L Miller



CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138
(503) 738-5501 • (503) FAX 738-9385

CITY OF GEARHART

APPEAL OF CITY ADMINISTRATOR/PLANNING COMMISSION DECISION

Appeal from Ruling of the City Administrator and/or Planning Commission. An action or ruling of the City Administrator may be appealed to the Planning Commission pursuant to the zoning ordinance. A legislative action or ruling of the City Administrator may be appealed to the City Council. An action or ruling of the Planning Commission may be appealed to the City Council. An appeal of the City Administrator shall be submitted within 15 days of the notice of the decision was mailed by the city. An appeal of the Planning Commission shall be submitted within 15 days of the date the final order is signed. If the appeal is not filed within the 15-day period, the decision shall be final. If the appeal is filed, the City Administrator or Planning Commission shall make a written report and recommendation to the City Council. The City Council shall hold a Public Hearing on the Appeal.

CITY OF GEARHART
CITY COUNCIL MEETS 1ST WEDNESDAY, 7:00 PM
PHONE (503)738-5501

JURISDICTIONAL FILING FEES:
ADMINISTRATIVE APPEAL \$300.00
PLANNING COMMISSION APPEAL \$2,000.00

APPLICANT Jeff Miller

MAILING ADDRESS 2202 SW Kings Ct, Portland, OR 97205

PHONE (503) 312-9689 EMAIL ADDRESS jeff@jlmarchitect.com

PROPERTY OWNER 101 5th Street LLC

MAILING ADDRESS 2202 SW Kings Ct, Portland, OR 97205

PHONE (503) 222-2234

RULING OR DECISION BEING APPEALED

Notice of Short-Term Rental Permit Expiration with no reinstatement.

Per Sec 13.080 of the Gearhart Zoning Code the filing fees established by the City Council shall not include the cost of preparing the record for appeals. Fees for preparation of the record shall not exceed the actual cost. Actual expenses incurred by the City during the process of technical evaluation of an application shall be borne by the applicant, in addition to the filing fees established by Resolution.

SIGNATURE (APPLICANT) _____ DATE _____

SIGNATURE (OWNER) _____ DATE _____

APPEAL

MARCH 2020

20

JEFFREY L MILLER

ARCHITECT, P.C.

August 20, 2025

City of Gearhart Planning Commission
PO Box 2510
698 Pacific Way
Gearhart, OR 97138

RE: Appeal Request - Notice of Short-term Rental Permit Expiration – 101 5th St

Dear Planning Commission:

I am writing to respectfully appeal the decision to not renew my rental permit. My assistant attempted to renew the permit on July 7, 2025, but the system would not allow her to complete the renewal. She immediately contacted our property management company, Vacasa, for assistance. Niki with Vacasa then reached out to Krysti Ficker, who explained that the renewal could not be processed because Vacasa had not yet paid the required taxes.

At that point, we were unable to move forward, and we received no further communication from the City of Gearhart or Vacasa once the taxes were paid. This delay was entirely outside of my control. The email chain documents that we attempted to renew on July 7 but were prevented from doing so because of Vacasa's tax issue, not because of any inaction on my part.

When my assistant checked again on Monday July 28, she discovered that the renewal period had already closed, leaving us without the ability to complete the process.

As a longtime member of the Gearhart community, I have always complied with local requirements and acted in good faith. I respectfully request that an exception be granted to reinstate my permit, given that the missed deadline resulted from circumstances beyond my control.

Thank you for your time and consideration.

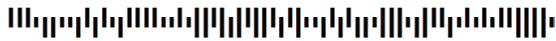
Sincerely,

Jeffrey L Miller

CITY OF GEARHART
698 PACIFIC WAY, P.O. BOX 2510
GEARHART, OR 97138



JEFFREY MILLER
2202 SW KINGS CT
PORTLAND, OR 97205-1120



June 25, 2025

Dear Jeffrey Miller:

You were recently sent a letter advising the time to renew your Gearhart Vacation Rental Dwelling Permit **STR20-00285** was approaching. This letter will be the final written reminder. The renewal fee is \$600.00 and is due before your current application expires on **July 23, 2025**. If payment has not been received by **July 23, 2025**, your license will be considered terminated whereas you acknowledge City ordinance provides no provision for reinstatement.

READY TO RENEW?

Note your permit number above and visit our Vacation Rental Dwelling page at:

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

Click the "Renew" link at the top of page. You will be taken to our Vacation Rental Dwelling Permit and Tax Payment portal where you will be prompted to download and complete the renewal Affidavit of Compliance and submit your payment securely. Please review the informational docs listed to assure you are in compliance.

*****Please do not include your local rep/emergency contact's information when filling out your property owner information. They have their own entry fields for contact information.*****

Property re-inspections are to occur every 5 years at a cost of \$50. You will be notified when your property is scheduled for a re-inspection.

If you are no longer renting short-term in Gearhart, please inform us in writing and we will terminate your permit accordingly. If you have any questions, please contact the office at (503) 738-5501. Our office is open Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and closed during the lunch hour.

Sincerely,

City of Gearhart
Planning & Code Enforcement

XX



CITY OF GEARHART
698 PACIFIC WAY, P.O. BOX 2510
GEARHART, OR 97138



XXXXXX

JEFFREY MILLER
2202 SW KINGS CT
PORTLAND, OR 97205-1120



May 27, 2025

Dear Jeffrey Miller:

*It's almost time to renew your Gearhart Vacation Rental Dwelling Permit **STR20-00285**! Your renewal fee is \$600.00 and is due before your current application expires on **July 23, 2025**. If payment has not been received by **July 23, 2025**, your license will be considered terminated whereas you acknowledge City ordinance currently provides no provision for reinstatement.*

READY TO RENEW?

Note your permit number above and visit our Vacation Rental Dwelling page at:

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

Click the "Renew" link at the top of page. You will be taken to our Vacation Rental Dwelling Permit and Tax Payment portal where you will be prompted to download and complete the renewal Affidavit of Compliance and submit your payment securely.

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If you are no longer renting short-term in Gearhart, please inform us in writing and we will terminate your permit accordingly. If you have any questions, please contact the office at (503) 738-5501. Our office is open Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and closed during the lunch hour.

Sincerely,

City of Gearhart
Planning & Code Enforcement

XX



RE: MILLER STR PERMIT - 101 5TH

Facts Timeline & Staff Statement

Historical Timeline

Permit Renewal Submission History

2018: June 26, 2018 paper	2021: July 6, 2021 paper	
2019: July 12, 2019 paper	2022: June 14, 2022 portal	
2020: June 11, 2020 paper	2023: July 20, 2023 portal	2024: July 17, 2024 portal

2025 Permit Renewal Activity Timeline

May 2025

- 60-day letter sent (27th) / email sent (22nd) - Kings Ct address, “architect” email on file

June 2025

- 30-day letter sent (25th) / email sent (23rd) - Kings Ct address, “architect” email on file

July 7, 2025

- Christina (Jeff’s assistant) attempts renewal in the portal but stops at screen asking for “gross receipts” due to quarterly transient taxes being due July 15th
- Christina emails Niki and Terralee (Vacasa reps) asking for assistance / Niki emails [me] for guidance
- I tell Niki Vacasa’s corporate office mails the taxes by the 15th and to try again after that; ordinance says taxes have to be current to renew, the receipts screen no longer appears immediately after taxes are reported

July 17, 2025

- City receives Vacasa’s tax payment and reporting in the 4p mail check

July 18, 2025

- I post payment and tax reporting to all 19 of Vacasa’s properties, and other properties

July 18–23, 2025


- No renewal attempt was made, which Jeff & IT confirmed

July 23, 2025

- Permit expired at the end of the day

July 28, 2025

- I notify Vacasa of expiration/termination via email
- Chad calls Jeff’s office and informs Christina who says there was an issue with the portal and she will reach out to me



July 30-31, 2025

- Christina emails the portal was giving an error message and that both the City and Vacasa told her “the renewal was due in July”; there were no verbal conversations and that claim is not made by either party in any written correspondence
- Christina emails again she couldn’t renew “in May because Vacasa hadn’t filed the taxes” and admitted fault in missing the 23rd deadline
 - IT confirms the only renewal attempts made on this permit# were done July 7th
 - The portal would ask for receipts July 1-July 17; any other time would not ask
- Jeff emails Chad - Temporary Hold is granted with a decision by August 15th

August 2025

- Jeff emails on the 6th requesting leniency and admits he and Christina missed the renewal; “It’s clear this is all on us”
 - Some of Jeff’s timeline is incorrect:
 - Vacasa’s taxes were not late, they were postmarked before the due date
 - No renewal attempt was made in May, the only attempt was July 7th
 - Christina’s next renewal attempt was Monday, the 28th - 5 days after it expired and 10 days after the taxes were posted
- Jeff emails on the 11th to check status and is reminded of the 15th
- 15th - formal notice of standing expiration decision is emailed and mailed

Summary/Comments

- **Ordinance 901** contains no provision for reinstatement after an STR permit expires; properties in the R-1 zone are not eligible for new STR permits, so a new application is not available if a permit is lost for any reason
- Correspondence referencing expiration dates goes out two ways multiple times; a final courtesy email by staff is also sent if staff has **heard nothing** from a permit holder within the 60-day deadline (staff *had* heard from Mr. Miller’s camp 16 days to deadline)
- The City received Vacasa’s transient lodging taxes on **July 17, 2025** and posted payment on **July 18, 2025**, which included Mr. Miller’s
- Between May 22-July 1 and July 18–23, Mr. Miller’s renewal could have been completed in the portal without the receipts screen, but **no renewal attempt occurred**
- Jeff Miller’s STR permit expired **July 23, 2025**; a confirmed attempt was made **July 7th** and another not made again until **July 28, 2025**
- Mr. Miller’s renewal history shows no previous issues with the portal or paper, or the Q2 tax due date timeline
- An STR permit expired last year and it was not reinstated/appealed; applying the ordinance consistently to all permit holders is crucial to ensure fairness in administration