



MINUTES
October 10, 2011
CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444

Call to order: Time: _____

1. **The pledge of allegiance**
2. **Roll Call:**

	Present	Absent
Mayor James Wernicke	X	
Council Position #1 Jeff Crook	X	
Council Position #2 Larry Brennan	X	
Council Position #3 Brice Gregory		X
Council Position #4 Doug Brand	X	
Council Position #5 Tamie Kaufman	X	
Acting City Administrator Jodi Fritts	X	
Student Liaison Lyndsey Dixon	X	

3. **Special Orders of Business:**
 Swearing in of City Administrator

Change to the Agenda (Miscellaneous Items, a.) moved up: The Mayor introduced the Student Liaison candidate, Lyndsey Dixon. The Council greeted her and asked a few questions.

MOTION: Councilor Tamie Kaufman made a motion to appoint Lyndsey Dixon as the student liaison to the Council. Councilor Jeff Crook seconded.

Mayor Wernicke called for discussion or debate, hearing none, he called the vote.

Record of Vote	Ayes	Nayes	Abstain
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	absent		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

Addition to Agenda: Brief update on the Wastewater Treatment Plant project from Public Works Superintendent, Will Newdall. Starting soon—in the next few weeks—there will be weekly meetings with the contractor, engineer, and the City for progress updates. The meetings will be at the Public Works building. Newdall asked if one of the council members would like to attend the meetings so that they could report back

to the rest of the Council. Newdall felt this would help alleviate some of the issues that we had with Woodburn last year. General discussion. Councilor Doug Brand volunteered to be the Council representative.

The Mayor swore in Jodi Fritts as the new City Administrator.

4. Consent Calendar
None scheduled

There were no consent calendar items scheduled.

5. Citizens Comments
As presented to the Mayor at the beginning of the meeting

There were no citizen comments presented to the Mayor.

6. Public Hearing
Appeal of Transient Room Tax assessment: Brent Thompson

The public hearing on the appeal of Transient Room Tax assessment by Brent Thompson was opened at 6:41PM. City Administrator, Jodi Fritts explained that the hearing process was a quasi-judicial hearing and was similar to a court appeal. She told the members this was similar to a land use appeal from the Planning Commission. She asked each member if they had any ex-parte contacts, personal bias, or conflicts of interest (monetarily only) with anyone related to this matter. She polled each member. Councilors Crook, Brennan and Brand replied in the negative. Councilor Kaufman disclosed that she worked for a business that managed vacation rentals. CA Fritts asked her if she felt she could be fair and objective. Kaufman felt she could. CA Fritts asked if there were any challenges to the members from anyone present. None heard.

CA Fritts briefly presented the staff report. She said Thompson had been operating a vacation rental at 29509 Crook Street since May of 2005. Thompson had been issued a zoning violation at that time for no conditional use permit. Thompson obtained a conditional use permit after notification of the violation. One of the conditions of approval was to comply with the City's transient room tax ordinance.

In the summer of 2011 it was discovered by administrative staff that Thompson had never registered and had never paid the transient room tax. A Notice of Delinquent Transient Room Tax was mailed to Thompson with a demand to pay the back taxes as determined by the Tax Administrator. Thompson subsequently filed an appeal of the assessment and maintains that he is exempt from the tax.

The basis for his assertion that he is exempt is that he operates the vacation rental incidental to own use of the house. Staff presented evidence in the staff report that Thompson's vacation rental is registered with the local Chamber of Commerce, has its own website, and is registered with the state of Oregon Business Registry as an assumed business name.

CA Fritts said the staff report was prepared in conjunction with City legal counsel. In order to qualify for the exemption within the code, the vacation rental must be incident to the personal use of the operator and cannot be engaged in a commercial operation of renting the home. The operator must meet both conditions, not just one.

After CA Fritts finished with her report, the Mayor asked Thompson if he wished to present any evidence on his behalf. Thompson began by saying that the city code was obviously unclear. He started to pass out a code revision he had prepared that he felt the Council should adopt. CA Fritts reminded Thompson that the matter before the Council was the room tax appeal not a code amendment. If he wished to present the amendment for consideration he would have to do that at another time.

Thompson said he fully intended to register and pay the tax in 2005. He said he went to the city office in 2005 and was told by Shirley Walker at that time that he did not have to pay because he was exempt. He questioned the language in the room tax ordinance Section 4.225 saying the language had changed since his conditional use permit was issued and that the section was ambiguous. His interpretation of that section was if you operated more than one vacation rental then you were subject to the tax. If you only operated a single one clearly you were exempt. He said the language of the ordinance made it appear that you would have to operate a vacation rental "in the dark" and not advertise or promote the rental at all in order to qualify for an exemption from the tax. CA Fritts said obviously the intent of the section was that if you operated a vacation rental you were subject to the tax.

General discussion about the nature of the rental of the house. CA Fritts asked Thompson if Bjorklund House (the commercial name of the rental) was registered with the state. He said no. Fritts said it was registered with the state. He stated it was not. Fritts asked Thompson if he had renewed the assumed business name on March 1st of this year. He stated that he had not. Fritts directed the Council to page D-2 of the staff report which showed that Bjorklund House was a Business Entity name registered to Brent Thompson since April of 2001 and most recently renewed in March of 2011.

Councilor Jeff Crook asked Thompson if he paid the state transient room tax. Thompson said he did. Crook asked if he paid the state tax why he wouldn't pay the local tax. Thompson again said Shirley Walker told him he didn't have to pay it. Councilor Doug Brand asked Thompson if he was the Brent Thompson that was on the Planning Commission. Thompson said yes. Discussion about the Walker "exemption". Councilor's Crook and Brand asked Thompson why in the subsequent years he never questioned the exemption especially since he paid the state tax. Thompson felt it was a non-issue—he had been told he didn't have to pay and that was the end of it.

The public hearing was closed at 7:05PM and the Council began deliberations. Councilor Tamie Kaufman said she had known Shirley Walker for many years and found it hard to believe that Walker would turn someone away who was willing to pay the tax. She did not know of any operator that Walker told they were exempt from the tax. Discussion about the payment of state tax but non-payment of the city

tax. General consensus was that Thompson should have known he had to pay city tax especially since he paid the state tax.

MOTION: Councilor Tamie Kaufman made a motion to deny Brent Thompson's appeal of the transient room tax assessment. Councilor Jeff Crook seconded the motion.

Mayor Wernicke called for discussion or debate. Discussion began about what amount of tax to assess Thompson. The motion was dispensed with first. The Mayor called the vote.

Record of Vote	Ayes	Nayes	Abstain
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	absent		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

Discussion on the tax assessment. CA Fritts said Thompson had presented to them a hand written ledger of his rental income for the appeal period time. The Council could do one of three things: accept Thompson's ledger as the basis for the tax, accept the Tax Administrator's initial assessment, or request that Thompson provide his state transient room tax reports which should accurately show his actual revenue. Councilor Crook said he was okay assessing the back taxes but not the penalties. Councilor Kaufman said she was okay with the formula and even felt that ordinance allowed for a greater penalty assessment. More discussion on the assessment method.

MOTION: Councilor Larry Brennan made a motion to request that Brent Thompson provide three years of state transient room tax records documenting the income for the property rental. Councilor Jeff Crook seconded the motion.

Mayor Wernicke called for discussion or debate. Hearing none he called for the vote.

Record of Vote	Ayes	Nayes	Abstain
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	absent		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

7. **Citizen Requested Agenda Items**
None submitted

There were no citizen requested agenda items.

8. **Public Contracts and Purchasing**
None Scheduled

There were no Public Contracting or Purchasing items.

9. **Ordinances & Resolutions**
a. Resolution R1112-10 revising salary schedule for Teamsters negotiated salaries
b. Resolution R1112-16 Appointment of Planning Commission members

CA Fritts explained the purpose of R1112-10 which revises the salary schedule for city employees. The City has been negotiating with Teamsters since June on their new contract with the police department. They reached a tentative agreement this month and this adopts the approved salaries within the contract. The budget amounts approved for FY11-12 are within the approved salary ranges of the contract.

MOTION: Councilor Tamie Kaufman made a motion to approve Resolution R1112-10 rescinding resolution R1011-39 and amending the salary schedule for city employees for fiscal year 2011-2012. Councilor Doug Brand seconded.

Mayor Wernicke called for discussion or debate. Hearing none he called for the vote.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	absent		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

Appointment of planning commission members. Bill Matthey has previously served. Kate Rambo introduced herself and gave the council a brief background as it related to public service. Rambo said her most recent public service project had been to help facilitate the conversion of the Anchor Mobile Home Park to the Saunders Creek Homeowners Association. She helped facilitate the \$600,000 grant purchase of the park by the residents with USDA and RCAC.

MOTION: Councilor Doug Brand made a motion to appoint Bill Matthey to the Planning Commission. Councilor Tamie Kaufman seconded.

Mayor Wernicke called for discussion or debate. Hearing none he called for the vote.

Record of Vote	Ayes	Nayes	Abstain
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	absent		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

MOTION: Councilor Larry Brennan made a motion to appoint Kate Rambo to the Planning Commission. Councilor Jeff Crook seconded.

Mayor Wernicke called for discussion or debate. Hearing none he called for the vote.

Record of Vote	Ayes	Nayes	Abstain
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	absent		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

MOTION: Councilor Jeff Crook made a motion to approve resolution R1112-16 confirming appointments to the Planning Commission and setting term of office. Councilor Larry Brennan seconded.

Mayor Wernicke called for discussion or debate. Hearing none he called for the vote.

Record of Vote	Ayes	Nayes	Abstain
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	absent		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

10. **Miscellaneous Items (including policy discussions and determinations)**
 - a. Interview and possible appointment of Student Liaison
 - b. Interview and possible appointment of Planning Commission members

- c. Council liaison replacement on Urban Renewal Committee
- d. Discussion of Tidewater gravel removal approval by county
- e. City Administrator Contract discussion

Interview and appointment of the Student Liaison and the Planning Commission members had been completed. The Council liaison to the Urban Renewal Committee position was vacant again. Councilor Doug Brand said he would be willing to serve as long as no one thought it would be a conflict since his wife was on the committee. Everyone agreed Brand could serve.

Discussion of Tidewater gravel removal approval by the county Planning Commission: CA Fritts explained that the county had approved the gravel mining application for the third time even though the City had sent a letter of concern and a resolution about our concerns to our water intake. Fritts said her concern was that the conditions of approval imposed by the Planning Commission would not be adequate and would not be enforced. She was concerned that the order to stay 3500 feet away from the intake may not be passed down to workers that did the actual mining. She said Tidewater had a history of violations that she was aware of from when she worked for the county. She said a group of citizens was appealing the decision to the Board of Commissioners. She asked the Council how they felt about being a part of that appeal. General discussion among the members about the appeal process. Concerns about the City's water supply and what the consequences would be if it were compromised or contaminated.

MOTION: Councilor Tamie Kaufman made a motion for the City to appeal the approval of county planning decision AD-1106 in conjunction with other local entities and to allow for the City Administrator to sign documents related to the appeal. Councilor Larry Brennan seconded.

Mayor Wernicke called for discussion or debate. Hearing none he called for the vote.

Record of Vote	Ayes	Nayes	Abstain
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	absent		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

City Administrator Contract Discussion: The Mayor said he had worked with Lauren Sommers, our attorney, and Fritts on the contract. He said he had spoken with LOC and had gotten some figures on salaries for similarly sized cities. The salaries range from \$60,000-\$90,000. Fritts said she had also polled some cities and passed out a list she had put together. Her range was \$55K for a population of 1885 to \$124K for a city of 26,000. Brief discussion on the salary. Council felt the position was already budgeted at \$65,000.

MOTION: Councilor Larry Brennan made a motion to set the City Administrator salary at \$65,000. Councilor Jeff Crook seconded the motion.

Mayor Wernicke called for discussion or debate. Hearing none he called for the vote.

Record of Vote	Ayes	Nayes	Abstain
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	absent		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

Brief discussion on the blanks to be filled in on the contract, dates mostly.

MOTION: Councilor Tamie Kaufman made a motion to approve the City Administrator contract with changes to the dates and an effective start date of October 10, 2011. Councilor Larry Brennan seconded the motion.

Mayor Wernicke called for discussion or debate. Hearing none he called for the vote.

Record of Vote	Ayes	Nayes	Abstain
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	absent		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

11. **City Administrator's Report**
To be presented at meeting

CA Fritts gave a brief report which is attached to these minutes.

12. **Mayor and Council Member Comments**
 - a. Mayor James Wernicke
 - b. Councilors
 - 1) Jeff Crook
 - 2) Larry Brennan
 - 3) Brice Gregory
 - 4) Doug Brand
 - 5) Tamie Kaufman

c. Student Liaison, Vacant

The Mayor said some very complimentary things about former CA Ellen Barnes. He said she had really moved the City forward and made a lot of positive changes that would be felt for years to come. He said that he would miss working with her and hoped her new venture worked out well.

The Mayor and Council welcomed Lyndsey Dixon and thanked her for her service. They also welcomed the new Planning Commission members and the new City Administrator.

13. Citizens Comments

There were no citizen comments.

14. Executive Session

There was no executive session.

The next regularly scheduled meeting of the Gold Beach City Council is Monday, November 14, 2011, at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon

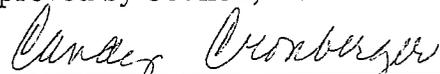
MOTION: Councilor Jeff Crook made a motion to adjourn. Councilor Larry Brennan seconded the motion.

Mayor Wernicke called for discussion or debate. Hearing none he called for the vote.

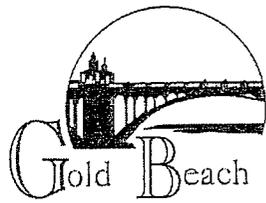
Record of Vote	Ayes	Nayes	Abstain
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	absent		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

15. Adjourn Time: 8:33PM

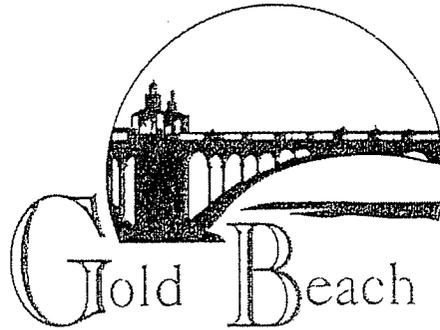
Approved by Council, November 14, 2011



Candy Cronberger, City Recorder



SPECIAL ORDERS OF BUSINESS



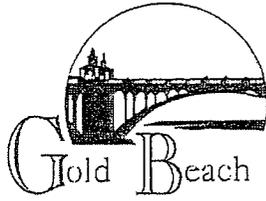
State of Oregon)
County of Curry) ss.
City of Gold Beach)

I, *Jodi Fritts*, do solemnly swear that I will faithfully execute the duties of City Administrator of the City of Gold Beach. That I will, to the best of my abilities, preserve, protect and defend the Constitution and laws of the United States, the state of Oregon, and the City of Gold Beach, so help me God.

Jodi Fritts

Subscribed and sworn to before me this 10th day of October, 2011

James H. Wernicke, Mayor
City of Gold Beach



PUBLIC HEARING

Thompson Transient Room Tax Appeal Meeting Date: October 10, 2011

Appellant: Brent Thompson
PO Box 201
Ashland, OR 97520

Nature of Appeal: Pursuant to City Code Section 4.285: Appeals to City Council

Background Information:

Location: The vacation rental dwelling is located at 29509 Crook Street

Chronology:

May 31, 2005: Land use permit GBC-0502: a conditional use application filed to correct a zoning violation of operating a vacation rental without a permit.

September 6, 2011: Notice of Delinquent Transient Room Tax is mailed to Mr. Thompson with a demand for payment of taxes as determined by the Tax Administrator.

September 8, 2011: Mr. Thompson responds to the City that he has received the notice and will remit past due taxes and reports.

September 12, 2011: Mr. Thompson submits a written appeal letter to the City. Mr. Thompson is advised of the appeal process and noticing requirements.

September 19, 2011: Official notice is sent to Mr. Thompson of the Appeal Hearing date and time. Notice is sent first class mail and certified/return receipt requested. The certified notice is returned unopened by the Post Office on September 26th. The first class notice was not returned undeliverable and is assumed to have reached Mr. Thompson. The appeal notice was mailed to the same address as the Notice of Delinquent Room Tax.

STAFF ANALYSIS

Use of an existing dwelling unit as a vacation rental dwelling is permitted as a conditional use within the Residential (1-R) zone subject to compliance with specific conditional use standards.

One of the conditions requires compliance with the Transient Room Tax Ordinance (formerly Ordinance 369 now codified in the City Business Code). The appellant states he attempted to comply with the room tax ordinance in 2005 but was told by city staff

he was exempt from paying the tax. Unfortunately, the person he may have discussed the tax with passed away last year. No file exists regarding this vacation rental dwelling beyond the land use file. It is unclear whether the former Tax Administrator was aware that Mr. Thompson was not remitting the required tax.

The basis of Mr. Thompson's appeal is that the use of his vacation rental is incidental to his personal use of the dwelling and is thereby exempt from collection of tax according to the code. In order for a vacation rental dwelling to be exempt it must meet two conditions: 1) it must be incident to his own personal use, 2) *and* not engaged in a commercial operation of renting.

Mr. Thompson asserts that he is exempt from the City's transient room tax under Administrative Code Section 4.225(3) because he rents Bjorklund House incidentally to his personal use of the property. Although the City Code does not define what constitutes an "incidental use" for purposes of the Administrative Code Section 4.225(3) exemption, for the reasons outlined below, the Tax Administrator has determined that Mr. Thompson's use of Bjorklund House as a vacation rental is not "incidental." Therefore, Mr. Thompson is not entitled to an exemption from the City's transient room tax.

The City Code generally requires operators of lodging establishments to collect transient room tax (TRT) from renters and remit those funds to the City. However, subsection (3) of Administrative Code Section 4.225 provides that the TRT may not be imposed on:

*Any person who rents a private home, vacation cabin, condominium, or like facility from any owner, where the owner who rents such facilities does this as an incidence to his own personal use thereof **and** is not engaged in a commercial operation of renting such condominiums or vacation cabin or private home.*

(Emphasis added). In order to fall within this exemption, Mr. Thompson must show *both* that he rents Bjorklund House as an incidence to his own personal use of the house, *and* that he is not engaged in a commercial operation of renting Bjorklund House. For the reasons articulated below the Tax Administrator has determined that Mr. Thompson is not entitled to an exemption from the City's transient room tax because Mr. Thompson's use of Bjorklund House as a vacation rental is not "incidental," to his personal use of the house and Mr. Thompson is engaged in a commercial operation for renting Bjorklund House.

Incidental Use

As noted above, the City Code does not define what constitutes "incidental use" for the purpose of the TRT exemption. Because the City Code does not offer guidance as to what constitutes an incidental use, the Tax Administrator has considered the types of uses exempt from collection of tax by the Oregon Department of Revenue and the IRS in

order to determine whether rental of Bjorklund House is incidental to Mr. Thompson's personal use of the house.

ORS 320.308 exempts "dwelling units used by the general public for less than 30 days per year" from the statewide TRT. Administrative rules adopted by the Oregon Department of Revenue clarify that this exemption "refers to a total of 30 days over the course of the calendar year; the 30 days need not be consecutive." To further clarify when this exemption applies, the administrative rules provide the following examples:

Ralph owns a hunting lodge in the mountains. He rents the lodge out to the general public for three weeks a year during the hunting season. Because Ralph rents the lodge out for fewer than 30 days per year, he is not required to collect the state lodging tax.

Dave rents his vacation home to the Wright family for 45 consecutive days in May and June. This rental period is not subject to the state lodging tax as it is rented to the same person for more than 30 days. In July of that year Dave rents the same vacation home for 10 days to the Jacobson family. Because Dave rented his vacation home for more than 30 days over the course of the calendar year, a total of 55 days (45 plus 10), he is subject to the state lodging tax and must collect and pay the tax on the 10 day stay of the Jacobson family.

OAR 150-320.308. Although neither the statutes nor the administrative rules use the term "incidental" when referring to uses exempt from the statewide TRT, the City may consider the state's adoption of a "30 days or less" exemption when determining what constitutes an "incidental use" for the purposes of the City's TRT exemptions.

Another example of an exemption from the payment of tax for an "incidental-type" use is found in the Internal Revenue Code, which provides that if a dwelling unit is used primarily as a personal residence and is actually rented less than 15 days a year the taxpayer does not have to declare the rental income earned on that property. 26 USC § 280A(g).

Mr. Thompson's letter of appeal dated September 12, 2011, states that he rents out Bjorklund House four to five times per year, but he requires a four night minimum stay, and sometimes "paying lodgers" stay "for more than 30 days." In addition, Mr. Thompson states that he pays the state TRT, from which the Council can infer that he rents Bjorklund House at least 30 days per year.

In addition to the above, Mr. Thompson: 1) has obtained a conditional use permit from the City to use Bjorklund House as a vacation rental; 2) maintains a rental website for Bjorklund House; 3) has Bjorklund House registered with the Secretary of State Corporation Division as a business entity, and 4) has listed Bjorklund House with the Chamber of Commerce. All of this tends to show that the rental of Bjorklund House is more than incidental.

For all the reasons listed above, the Tax Administrator has determined that Mr. Thompson's rental of Bjorklund House is not incidental to his personal use and therefore he is not entitled to an exemption from the City's TRT under Administrative Code Section 4.225(3).

Commercial Use

As noted above, in order to take advantage of the exemption in Administrative Code Section 4.225(3), Mr. Thompson must show *both* that the rental use of Bjorklund House is incidental to his personal use *and* that he is not engaged in a commercial operation of renting Bjorklund House. Not only has the Tax Administrator determined that the rental of Bjorklund House is not incidental to Mr. Thompson's personal use, but the Tax Administrator has also determined that Mr. Thompson is engaged in a commercial operation of renting Bjorklund House.

Mr. Thompson has obtained a conditional use permit from the City specifically to allow him to use Bjorklund House as a vacation rental. In addition, Mr. Thompson has registered Bjorklund House as a business entity with the state of Oregon. Finally, Mr. Thompson lists Bjorklund House with the Gold Beach Chamber of Commerce and maintains a website dedicated to advertising Bjorklund House as a vacation rental. Bjorklund House is also listed on various commercial vacation rental sites such as: seabeachvacations.com, vacationcompass.com, findhoneymoonrentals.com, vamoose.com, and nagalandtourism.com. Based on these facts, the Tax Administrator determined that Mr. Thompson is engaged in a commercial operation of renting Bjorklund House and therefore is not exempt from the City's TRT under Administrative Code Section 4.225(3).

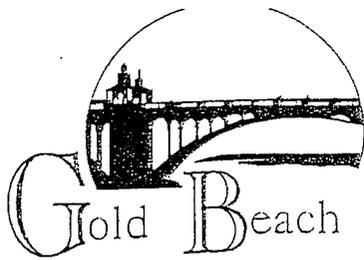
DETERMINATION

If the Council disagrees with the Tax Administrator's conclusions and determines that Mr. Thompson is exempt from collection of the transient room tax, the matter will be dismissed.

If the Council determines that Mr. Thompson is not exempt from collection of the tax, the Council can: 1) assess the tax amount determined by the Tax Administrator in the September 6th letter, or 2) allow Mr. Thompson to submit his own tax records for the tax determination. In his letter of appeal Mr. Thompson claims to have remitted room tax to the State of Oregon. The state requires quarterly reporting. It would not be unreasonable to ask Mr. Thompson to produce the quarterly reports he submitted to the state for the previous three-year period to aid the Tax Administrator in determining the amount of tax owed.

Attached to this report are the following attachments:

- A: Initial Notice of Delinquent Transient Room Tax with attachments:
 - Determination of Total Tax Due
 - Copy of CUP Final Order
 - Copy of Curry County Tax Assessor Records
 - Chamber of Commerce Bjorklund House listing
 - Bjorklund House website listing
 - Copy of the Transient Room Tax & Community Promotion Code
- B: September 12, 2011 appeal notice from Thompson
- C: Appeal Hearing notice dated September 19, 2011
- D: Business Entity data from Secretary of State Corporation Division
- E: Website listings from other vacation rental sites



City of Gold Beach
29592 Ellensburg Avenue
Gold Beach, OR 97444
541-247-7029

September 6, 2011

Brent Thompson
Bjorklund House Vacation Rental
PO Box 201
Ashland, OR 97520

NOTICE OF DELINQUENT TRANSIENT ROOM TAX

Dear Mr. Thompson:

The records of the Curry County Tax Assessor indicate you are the owner of the following real property and are therefore responsible for its use:

29509 Crook Street, Assessor Map 3715-01AA tax lot 3800

On May 31, 2005, a conditional use permit was issued to operate a vacation rental dwelling at 29509 Crook Street contingent upon compliance with seven conditions of approval. A copy of the Final Order is enclosed. The sixth condition of approval requires the permittee (you) to comply with the requirements of the Transient Room Tax Ordinance. A review of the Transient Room Tax records indicate you have never registered as an operator, or remitted the required tax. Commercial vacation rentals are not exempt from imposition or collection of the room tax. This was specifically mentioned in the Final Order. Bjorklund House Vacation Rental is listed as a member of the Chamber of Commerce and is also listed as a property owner on the Tax Assessor records. Bjorklund House is a commercial vacation rental.

Pursuant to *City Code Section 4.245(3) Fraud, refusal to collect, evasion*: you are notified of the delinquent transient tax due for the prior three (3) years from the date of discovery. Since you have not registered or remitted the required tax, the Tax Administrator has determined your tax due based on tax paid in the last three years by a similarly sized vacation rental. The determination of the tax due is \$1209.43. This amount includes a 25% penalty for non-payment as allowed by *City Code Section 4.240*. The tax and penalty are payable upon receipt of this notice. This determination will become final twenty days after the date of the mailing of this notice. You have the right to appeal this decision to the City Council pursuant to *City Code Section 4.285*.

If a timely notice of appeal is filed with the Tax Administrator, the notice along with any files shall be transmitted to the City Council. The Council shall set a time and place for the appeal. The Council will give not less than twenty (20) days written notice of the hearing. All decisions of the Council in regards to appeals are final and binding.

Attachment A-1

I am enclosing the following items relevant to this determination:

- Prior 3 year tax determination
- A copy of the Final Order for land use decision GBC 05-02
- Curry County Tax Assessor listing for subject property
- Chamber of Commerce listing for Bjorklund House
- Bjorklund House Vacation Rental website listing
- City Code Section: Transient Room Tax and Community Promotion Code
- Transient Room Tax Operator Registration form

Please fill out and return the Operator Registration form with your delinquent tax due. If you plan to appeal this decision to the City Council you must file a written notice with my office prior to 5PM on Monday, September 26, 2011. Please note if the tax and penalty due are not paid, or you do not file a timely notice of appeal, pursuant to *City Code Section 4.260* a lien will be filed with the Curry County Clerk's Office for the tax due. Filing of the lien will not relieve you paying future transient room tax or prevent the Tax Administrator from referring the matter to the Municipal Court for additional enforcement action.

If you have any questions regarding this notice please contact me.



Jodi Fritts
Admin Services Director/City Recorder
jfritts@goldbeachoregon.gov

cc: Lauren Sommers, City Counsel
Ellen Barnes, City Administrator

22

3 YEARS FROM DISCOVERY- AUGUST 2008 TO AUGUST 2011

FY 08-09		FY 09-10		FY 10-11	
AUG	\$ 104.88	AUG	\$ 81.23	AUG	\$ -
SEPT	\$ 41.04	SEPT	\$ -	SEPT	\$ 17.10
OCT	\$ 27.36	OCT	\$ -	OCT	\$ -
NOV	\$ 71.25	NOV	\$ 49.88	NOV	\$ 42.75
DEC	\$ 11.40	DEC	\$ 38.48	DEC	\$ -
JAN	\$ -	JAN	\$ -	JAN	\$ -
FEB	\$ -	FEB	\$ -	FEB	\$ 14.25
MARCH	\$ -	MARCH	\$ -	MARCH	\$ 55.80
APRIL	\$ -	APRIL	\$ 78.12	APRIL	\$ -
MAY	\$ 42.75	MAY	\$ 108.82	MAY	\$ -
JUNE	\$ -	JUNE	\$ -	JUNE	\$ 41.85
JULY	\$ 51.30	JULY	\$ 16.74	JULY	\$ 72.54
TOTAL	\$ 349.98	TOTAL	\$ 373.27	TOTAL	\$ 244.29

TOTAL TAX ESTIMATED * \$ 967.54

PENALTY FOR NON COLLECTION: \$ 241.89
(25% OF PAST DUE TAX)

TOTAL DUE \$ 1,209.43

* Pursuant to City Code Section 4.245(3), tax was estimated based on the tax reported and paid by a similarly sized vacation rental.

A-3

BEFORE THE PLANNING DIRECTOR
CITY OF GOLD BEACH

In the matter of Planning Director file)
GB C05-02 an application requesting a)
conditional use permit to authorize)
a Vacation Rental Dwelling within an) FINAL ORDER
existing single family dwelling on) and Findings of Fact
parcel zoned Residential (3-R)) GB C05-02

ORDER in the approval of application GB C05-02, filed by Brent Thompson for a conditional use permit to authorize a Vacation Rental Dwelling within existing single family dwelling on a parcel zoned Residential (3-R). The subject property is identified as assessor map 37-15-01A A taxlot 3800, with an address of 29505 Crook St. The subject property is located on Crook Street approximately 150' east of its intersection with Hwy 101. The said application was filed as provided for in the City of Gold Beach Zoning Ordinance No. 327 including amendments as of the date of this order.

Notice was sent to affected property owners prior to the decision of the Planning Director as set forth in the GBZO. The record was closed at 5PM on May 6, 2005 and the Planning Director resolved to approve Application File No. GB C05-02 based upon the following decision criteria, facts and analysis, and conclusions of law.

I. Decision Criteria:

A. Type of Land Use Action:

A conditional use permit to authorize a Vacation Rental Dwelling within an existing single family dwelling on a parcel zoned Residential (3-R).

1) Relevant Ordinance Citations:

City of Gold Beach Zoning Ordinance:

Section 2.010 Residential (3-R)

The Section 2.020 Conditional Uses Permitted

(11) Use of an existing dwelling unit as a vacation rental dwelling.

ARTICLE VI Conditional Uses

Section 6.010 - 6.060

2) Statement of Ordinance Criteria:

All relevant criteria is attached to this order as Attachment A.

B. The Planning Director has duly accepted the application filed in accordance with the City of Gold Beach Zoning Ordinance pursuant to Article VI and

The Planning Director has exercised the discretion to address the proposed use as set forth in Section 6.010 of the Zoning Ordinance.

C. At the end of the public comment period, comments were received on the application, were considered and no material changes were made to the Planning Director's decision regarding the matter.

After consideration of the evidence and statements made by the applicant, the Planning Director approved the application and hereby orders that the

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authorize the Vacation Rental Dwelling and prepared a final ORDER based on facts and analysis as stated below.

THEREFORE LET IT HEREBY BE ORDERED that application GB C05-02 for a conditional use permit as specified above, submitted by Brent Thompson, is APPROVED subject to conditions indicated in Section III below.

II. FACTS AND ANALYSIS:

General Findings:

1. The subject property is zoned Residential (3-R). The parcel is owned by the applicant, Brent Thompson. The site is served by city water, sewer, police, & fire protection. The proposed use in an Residential Zone is allowed as a conditional use subject to Section 2.020 (9) & Section 3.050 of the Gold Beach Zoning Ordinance, and when approved in accordance with Article VI of the City of Gold Beach Zoning Ordinance.
2. The applicant has submitted findings which address the applicable criteria, which are attached to this order as Attachment B.
3. Applicant, in their findings, felt that the Transient Room Tax ordinance excludes vacation rentals. Vacation rental dwellings are not excluded from the transient room tax unless they are rented for thirty (30) successive calendar days. If the owner engages in a commercial operation of renting the dwelling it is subject to the tax even if it is an incidence to their own personal use. The applicant is engaged in a commercial operation of renting the dwelling.

Based upon the above findings the Planning Director has concluded that Application GB C05-02 does meet the standards set forth in the applicable sections of the Gold Beach Zoning Ordinance and complies with the purposes of this ordinance.

III. CONCLUSIONS OF LAW:

Now, therefore, it is HEREBY ORDERED that Application GB C05-02 be APPROVED subject to the following conditions:

- (1) The approval is contingent upon compliance with the standards of Section 6.040 (3) - Vacation Rental Dwelling (part of Attachment A).
- (2) The proposed vacation rental dwelling is approved without time limitations. The Planning Director reserves the right to re-consider the approval if violations of the conditional use permit are reported, in writing, to the Director and found to be valid.

Accepted and approved this 31 day of May, 2005



City of Gold Beach
City Planner

AS

Section 5. OPERATOR'S DUTIES. Each operator shall collect the tax imposed by this ordinance at the same time as the rent is collected from every transient. The amount of tax shall be separately stated upon the operator's records, and any receipt rendered by the operator. No operator of a hotel shall advertise that the tax or any part of the tax will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, when added, any part will be refunded, except in the manner provided by this ordinance.

Section 6. EXEMPTIONS. No tax imposed under this ordinance shall be imposed upon.

(a) Any occupant for more than thirty successive calendar days with respect to any rent imposed for the period commencing after the first thirty-days of such successive occupancy.

(b) Any occupant whose rent is of value less than two dollars per day;

 (c) Any person who rents a private home, vacation cabin, condominium, or like facility from any owner, where the owner who rents such facilities does this as an incidence to his own personal use thereof; and is not engaged in a commercial operation of renting such condominiums or vacation cabins.

(d) Any occupant whose rent is paid for a hospital room or to a medical clinic, convalescent home, or home for the aged people, or to a public institution owned and operated by a unit of the government.

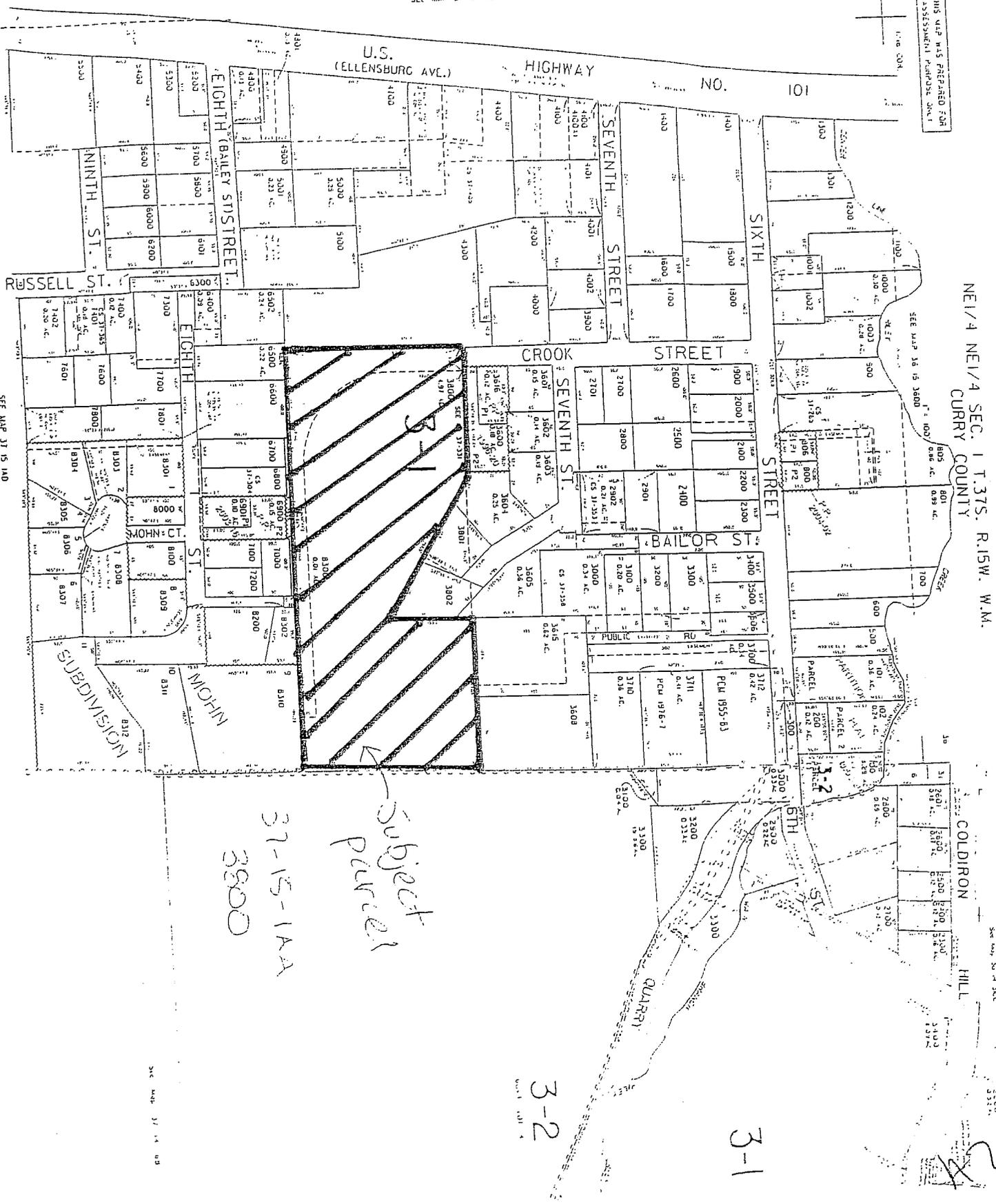
(e) Any person who represents a recreational vehicle space, mobile home space, or a motor home space, in any recreational park, mobile home park or motor home court or campground.

(f) Any reservations confirmed by a transient to an operator prior to the effective date of this Ordinance.

Section 7. REGISTRATION OF OPERATOR; FORM AND CONTENTS; EXECUTION; CERTIFICATION OF AUTHORITY. Every person engaging or about to engage in business as an operator of a hotel in this City, shall register with the Tax Administrator on a form provided by him. Operators engaged in business at the time this ordinance is adopted, must register not later than thirty calendar days after passage of this ordinance. Operators starting business after this ordinance is adopted, must register within fifteen days after commencing business. The privilege of registration after the date of imposition of such tax shall not relieve any person from the obligation of payment or collection of tax regardless of registration. Registration sets forth the name under which the operator transacts or intends to transact business, the location of his place or places of business and such other information to facilitate collection of the tax as the Tax Administrator may require. The registration shall be owned by the operator. The Tax Administrator shall, within ten days after registration, issue without charge, a certificate of authority to each registrant to collect the tax from

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THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



NE 1/4 NE 1/4 SEC. 1 T. 37S. R. 15W. W.M.

COLDIRON HILL

SEE MAP 37 15 14D

SEE MAP 37 15 14B

subject parcel

37-15-14A
3300

3-2

3-1

3-1

3-R

- (7) Planned Unit Development on a lot not less than three (3) acres
- (8) Hospital, sanitarium, retirement home, medical or dental clinic
- (9) Wind Generators
- (10) Home Occupation
- (11) Use of an existing dwelling unit as a vacation rental dwelling

Section 2.230. Lot Size

Except as provided in Sections 4.01 and 4.04 in a R-1 zone

- (1) Lot sizes suitable for building shall be dependent on the availability of public water and sewage systems. If the lot is not served by both a public water and sewer system, the lot area shall conform to the requirements established by the County Sanitarian to avoid problems of water supply and sewage disposal due to soil structure and water table.
- (2) When both a public water supply and sewage disposal system are available, the minimum lot area shall be five-thousand (5,000) square feet.
- (3) The average lot width shall be a minimum of fifty (50) feet.

Section 2.240. Set-Back Requirements

Except as provided in Section 4.01 and 4.02 in a R-1 zone, yards shall be as follows:

- (1) The front yard shall be a minimum of ten (10) feet, or the existing set back, but not less than ten (10) feet
- (2) The side yard shall be a minimum of five (5) feet
- (3) The rear yard shall be a minimum of five (5) feet

Section 2.250. Height of Buildings

Except as provided in Section 4.01 in a R-1 zone, no building shall exceed thirty-five (35) feet in height.

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...the use of the lot is intended to ... use of the lot is intended to ...

Section 6 10. Standards Governing Conditional Uses.

In addition to the standards of the zone in which the conditional use is located and the other standards in this ordinance, conditional uses must meet the following standards:

- (3) Vacation Rental Dwelling. The following standards are required for issuance of a conditional use permit for a vacation rental dwelling:
 - (a) No offensive noise, smoke, dust, litter or odor noticeable at or beyond the property line resulting from the use of the dwelling as a vacation rental dwelling.
 - (b) The use shall not adversely affect the residential character of the neighborhood.
 - (c) There shall not be an excessive generation of traffic created by the vacation rental dwelling.
 - (d) One off-street parking space will be provided for each bedroom in the unit, but in no event shall less than two spaces be provided.
 - (e) The dwelling must maintain the residential nature of the front and side yards yards. The lot must be landscaped and maintained as a permanent residence similar to the surrounding area.
 - (f) The permittee must agree to comply with the requirements of the Transient Room Tax Ordinance (See Ordinance 369) and the Business License Fee Ordinance (See Ordinance No. 442).
 - (g) The permittee must provide receptacles for the deposit of garbage and subscribe to a solid waste collection service for the vacation rental dwelling.

Vacation Rental Standards

SECTION 9.010 REVISIONS TO DEPT. OF PLAN

CONDITIONAL USE

Uses designated in this ordinance as conditional uses may be permitted, subject to the provisions of Sections 9.020 through 9.050, with the requirements of Section 9.020 through 9.050. A change in use or alteration of a structure or use classified as conditional which was existing prior to the effective date of this ordinance shall conform to all regulations pertaining to conditional uses.

In permitting a conditional use the City may impose conditions in addition to the provisions set for uses therein each one in order to protect the best interests of the surrounding property, the neighborhood, or the city as a whole. These conditions may include, but are not limited to: increasing the lot size or setbacks; enclosing the location or number of vehicular access points; increasing the street width, limiting the height of buildings to protect the light and air of adjacent properties; increasing the amount of off-street parking or loading; or other provisions necessary to minimize any conflict between the proposed conditional use and the use of adjacent properties.

Section 9.020 APPLICATION FOR CONDITIONAL USE

A request for a conditional use modification of an existing conditional use or a reinstatement of a discontinued nonconforming use may be initiated by the property owner or his authorized agent by filing an application with the planning commission or its designated agent. The application shall include plans of the proposed use or reinstatement of an existing use, or reinstatement of a discontinued nonconforming use. The application shall be accompanied by a fee as established by resolution of the City Council.

Section 9.030 PUBLIC HEARING ON A CONDITIONAL USE

Before acting on a conditional use it shall be considered by the planning commission at a public hearing. The planning commission or its designated agent shall give notice of the hearing by sending notices by mail not less than ten (10) days prior to the day of the hearing to the property owners within two hundred fifty (250) feet of the exterior boundaries of the property involved and by posting on the official bulletin board at the city hall a notice not less than five (5) days prior to the

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Conditional Use 1042 21

~~Attachment B~~

Application for a Conditional Use Permit
for a vacation rental in a 3-R Zone

Address: 29505 & 29509 Crook St.
Parcel size: 4.97 acres
Owner: Brent Thompson

Description of site

This application is to use my home at 29505 and 29509 Crook St. as a vacation rental when I am not personally using the residence.

The property is located at the south end of Crook St. where the street continues on into the driveway of the residence.

The lot is rectangular with a triangular piece removed from the middle on the north side where the adjacent lot to the north has access to 7th Street.

The site is gently sloping upward to the east from the western property line near the driveway until it drops behind the houses and pool into a gully where a year round stream runs diagonally through the property. The property ascends again behind the stream and gully. The eastern most edge is defined by power lines. On the northern edge there is a drop off in the front area descending to where the stream goes into a culvert. Along the rear in the upper most section, the adjacent lots are also elevated.

Along the southern edge, the property lines are somewhat staggered and the lots are generally the same plane as this parcel.

There is a large lawn or grass area in front of the house.

Currently there are two residences on the property and a pool house which can serve as a fifth bedroom for the main house. In the Main house there are four bedrooms and two and one half bathrooms. In the pool house there is a full bath, and in the two bedroom guest house there is one bath.

The intent is to continue renting the guest house full time and not have it be part of the vacation rental. Thus, there would be at most five bedrooms rented at any one time as a vacation rental.

The property is served by a paved driveway with gravel shoulders with a minimum width of 15' and a maximum width of 20 feet for 70% of it. There are two turnout areas.

There are 8 paved parking spaces with over flow parking in a grass covered gravel area for an additional five vehicles.

There is a fenced pool area.

Adjacent uses consist of single family residences to the north along Crook St. and 7th St. and single family, duplex and multifamily dwellings along 8th St. to the south.

To the west is a residence on approximately two acres and to the east there is open space or forest land.

There is heavy screening to the north where the difference in grade serves as an additional buffer. The north side yard setback exceeds 50 feet. To the south there is a

/

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screen of hedge plants, shrubs, and trees. The south side setback is 40 feet from the south property line to the garage of the main house and to the guest house. The front setback exceeds 100 feet. The rear setback exceeds 50 feet in all areas, and the setback exceeds 100 feet for no less than half of the rear portion.

Requirements for a Conditional Use Permit in a 3R Zone under Sections 2.220 - (11) Use of an existing dwelling unit as a vacation rental dwelling and Section 6.040 Standards Governing Conditional Uses.

(3) Vacation Rental Dwelling.

(a) No offensive noise, smoke, dust, litter, or odor noticeable at or beyond the property line resulting from the use of the dwelling as a vacation rental dwelling.

The pool area is sheltered on three sides by structures and on the fourth by heavy vegetative screening. The large setbacks on all sides reduce the probabilities that any noise generated by guests would be noticed by adjacent residents. There are two sheds and a garage between the house and the closest property line.

There is a fireplace, and a barbecue, but their use should not generate an unacceptable level of smoke. There is no fire pit or bon fire area, but we do generally burn brush in the spring

All parking and driveway areas that might be needed are either paved with asphalt or gravel to preclude the raising of dust

In the garage of the main house there are two trash containers and an area for the recycling of cans, cardboard, and bottles. The location of the trash receptacles in the garage will reduce the probabilities of litter blowing about the premises and of animals getting into the garbage receptacles.

During the vacation rental season trash and recyclables are to be picked up weekly by the sanitary service to prevent the presence of odors.

(b) The use shall not adversely affect the residential character of the neighborhood.

To prevent use of the location by undesirables we will have a four day minimum rental policy. We believe this policy will tend to attract families more than more loosely affiliated groups and therefore we believe potentially noisier groups who normally would want to rent for just a weekend. The guest house is rented full time. The presence of that occupant serves to ensure responsible behavior on the part of guests.

(c) There will not be an excessive generation of traffic created by the vacation rental dwelling.

We believe that with the five bedrooms we will typically have two or three automobiles serving the guests. However the central location of the site makes walking to the super market, the high school, the beach and shopping easy. That will

reduce the probabilities of guests needing to drive everywhere. We anticipate that small groups will rent the house who will not need the whole house nor much parking.

(d) One off street parking space will be provided for each bedroom in the unit, but in no event shall less than two spaces be provided.

There are two paved spaces provided in front of the garage and 5 paved striped spaces along the south property line for a total of eight spaces. There is also one gravel space between the garage and the sheds to the north of the main house. There is also overflow parking for boats or RV's along the driveway. The two bedroom guest house would require 2 spaces leaving 6 spaces for the five bedrooms in the main house and pool house.

(e) The dwelling must maintain the residential nature of the front and side yards. The lot must be landscaped and maintained as a permanent residence similar to the surrounding area.

We consider it essential to maintain the abundant present landscaping. We have no desire to change the large lawn in front nor the bushes and trees along or near the property lines.

(f) The permittee must agree to comply with the requirements of the Transient Room Tax (see Ordinance 369) and the Business License Fee Ordinance (See Ordinance No. 442)

We believe the Transient Room Tax Ordinance excludes vacation rentals used in conjunction with personal use by the owner which is how we intend to use the property. If we are wrong about this, we will pay the tax according to the standards set by the City of Gold Beach. We have been paying the business license fee, and we will continue pay the business license fee.

(g) The permittee must provide receptacles for the deposit of garbage and subscribe to a solid waste collection service for the vacation rental dwelling.

We have two trash cans in the garage as well as recycling bins. The full time resident in the guest house assists us with the taking out of trash and recyclables.

I hope we have properly addressed the criteria for approval for the issuance of a Conditional Use Permit for a Vacation Rental. If not we will be happy to supplement this application with further information or clarification.

Brent Thompson
15 April 2005

Coordinate Position

Geographic: 42° 24' 28.40" N, 124° 25' 3.23" W
StatePlane: 3863621, 294880

Ortho Image 2005

Request X: 3863621.7574821836
Request Y: 294880.8023553632
Raster ID: 1
Band 0: 115
Band 1: 120
Band 2: 87

Urban Growth Boundary

NAME: Gold Beach

Parcels

MAPTAXLOT: 3715-01AA-03800
TAXLOT: 03800
MAPNUMBER: 37S15W01AA
OR MAPTAXLOT: 0837.00S15.00W01AA--000003800

Situs

PROP_ID: R13585
MAP TAX LOT: 3715-01AA-03800
SITUS_ONE: 29509 CROOK ST
SITUS_TWO: GOLD BEACH, OR 97444
PROP_ID: R13585
MAP TAX LOT: 3715-01AA-03800
SITUS_ONE: 29505 CROOK ST
SITUS_TWO: GOLD BEACH, OR 97444

Owner

PROP_ID: P37730
OWNER: BJORKLUND HOUSE VACATION RENTAL
ADD_1: P O BOX 201
CSZ: ASHLAND, CA 97520
MAP TAX LOT: 3715-01AA-03800
PROP_ID: R13585
OWNER: THOMPSON, BRENT TRSTEE
ADD_1: THOMPSON, BRENT TRST 8-9-10
ADD_2: P O BOX 201
CSZ: ASHLAND, OR 97520
MAP TAX LOT: 3715-01AA-03800
ACREAGE: 4.97

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Gold Beach Of Commerce

Gold Beach » Our Businesses » *Bjorklund House Vacation Rental*

Bjorklund House Vacation Rental

Contact:

Brent Thompson
Phone: (541)488-0407
E-mail: brenttho@mind.net

Business Address:

29509 Crook Street
Gold Beach, OR 97444

Mailing Address:

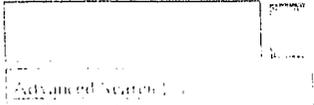
P O Box 201
Ashland, CA 97520

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Chamber Business Gateway



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Chamber Business Gateway



MEMBER LOGIN

Weather

Temp: 64.8°F / 18.2°C

Cond: Clear

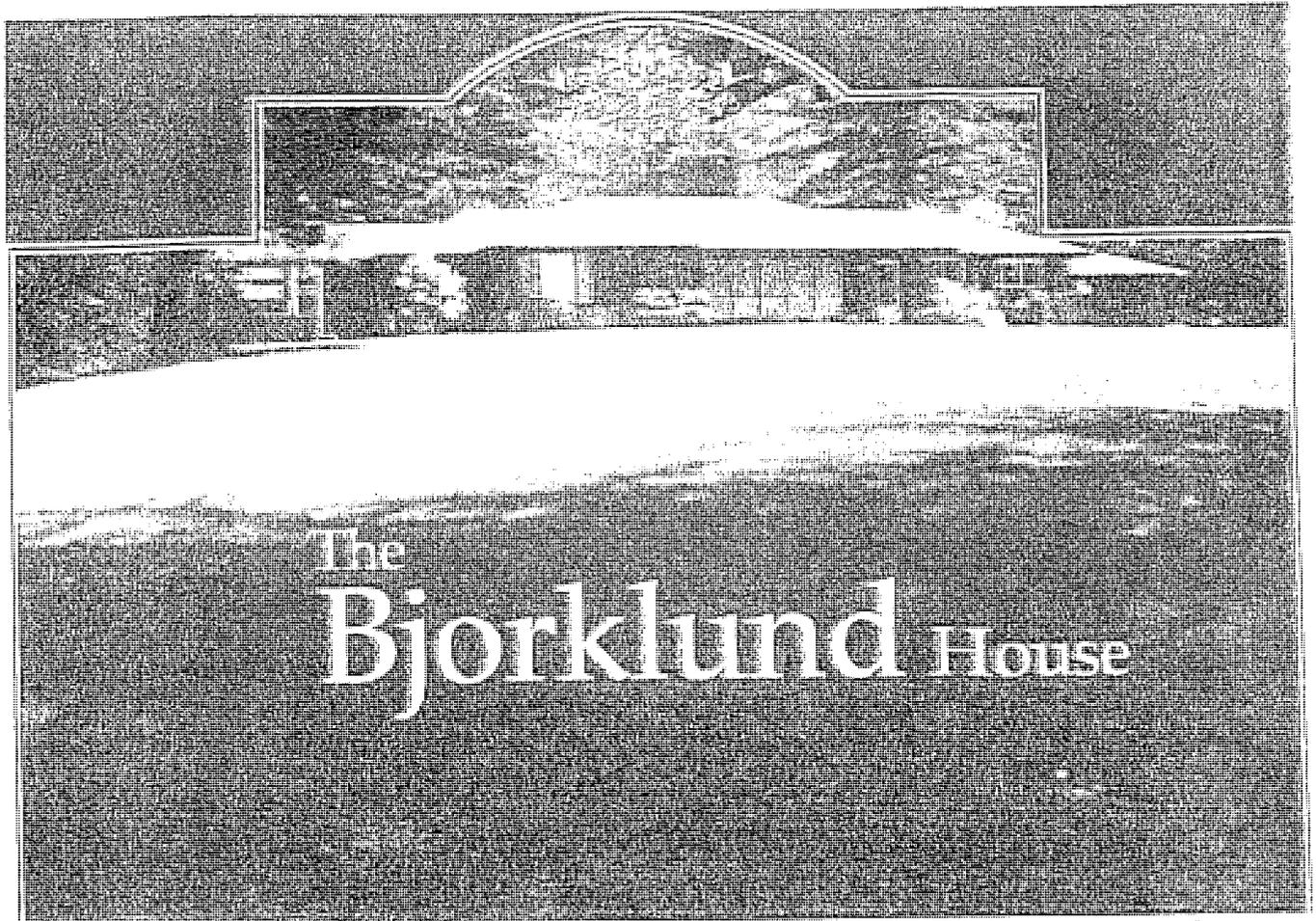
Humidity: 78%

Wind: SSE / 0.0mph

[Get current weather and forecast](#)

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The Bjorklund House

Home

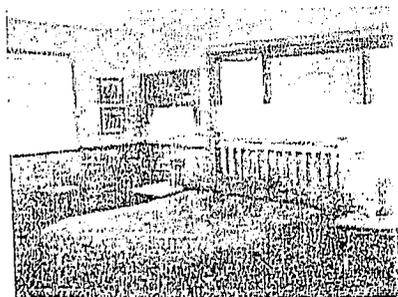
Rates

Apartment

Gold Beach



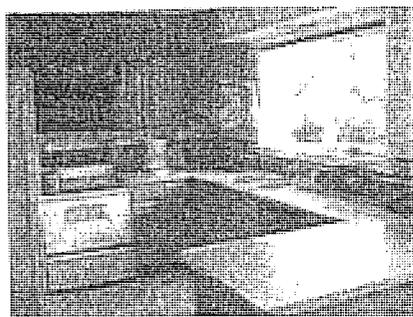
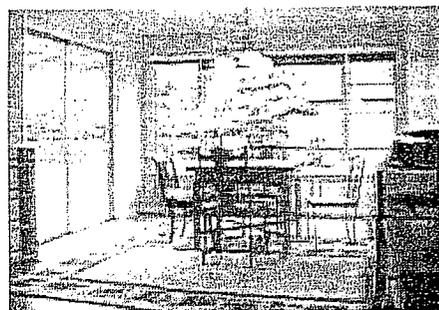
*A Unique
Vacation Rental
in Beautiful Gold Beach Oregon*



A beautiful 4 bedroom (linens provided) 2 1/2 bathroom house with an ocean view on 5 sheltered acres, is within walking distance of shopping, restaurants, and the beach. The house features a pool, pool/ping pong table, a huge lawn, basketball hoop, horseshoe pit, dart board, games, puzzles, books, badminton set, videos, 2 VCR's & TV's, a DVD player, and a croquet set. For the TV weary there is no cable TV.

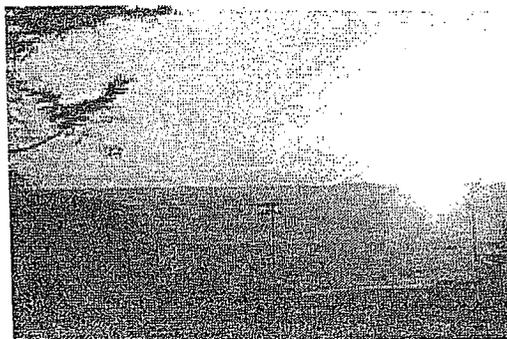
22

There is also a *pool house* available (can serve as a 5th bedroom) in the summers only which has a single bed, a double futon, toilet, sink, & shower. The guest house toward the rear of the property is occupied by a couple who help out with maintenance.



We still have many open periods this summer and fall so check out your calenders and call with your plans and we'll see if we can schedule you a spot.

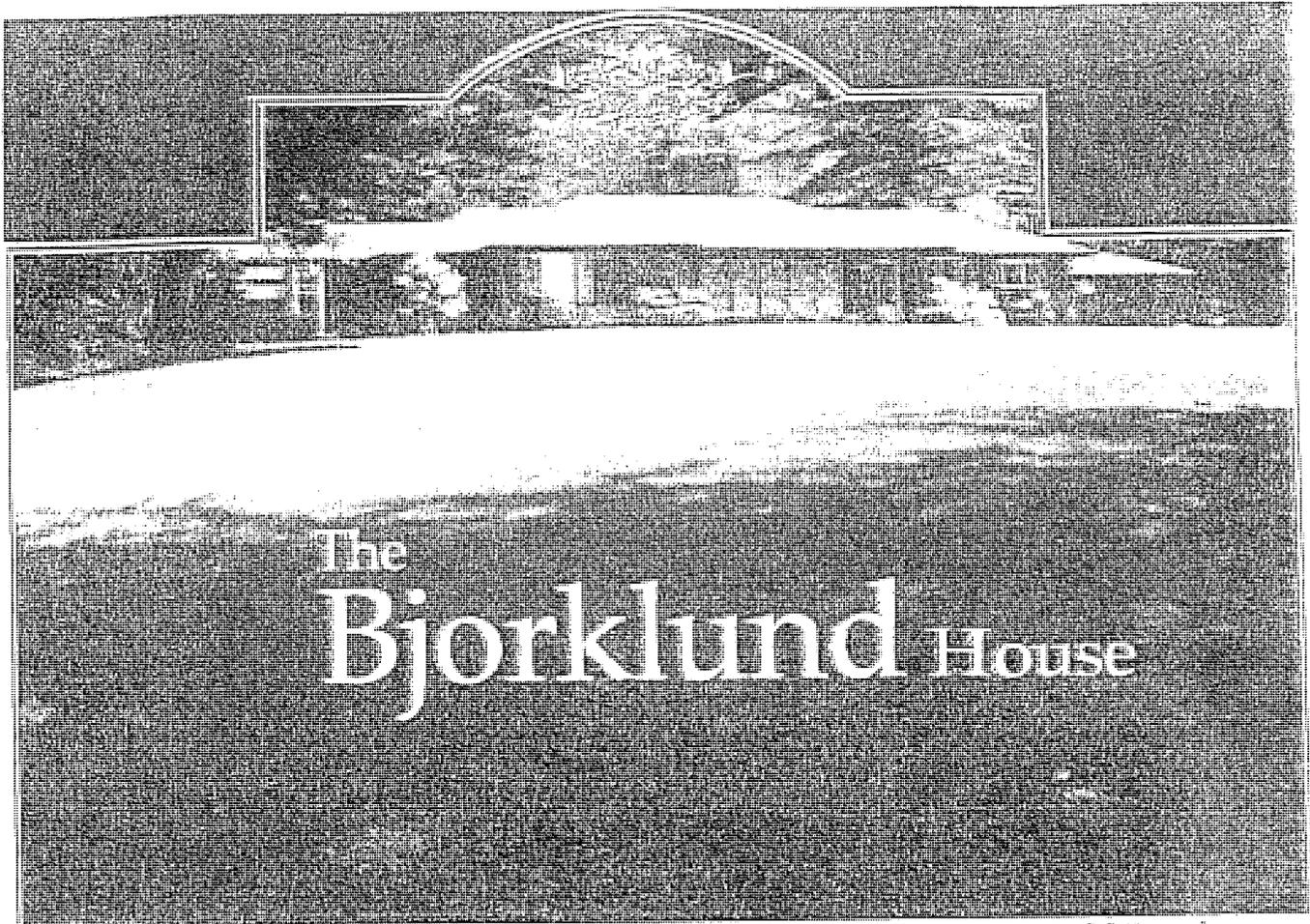
Click here to check out our Rates, or
call (541) 488-0407 for reservations.



Two sunset views from the Bjorklund House

*The Bjorklund House
29509 Crook Street
Gold Beach, Oregon 97444
call (541) 488-0407 for reservations*

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The Bjorklund House

Home

Rates

Apartment

Gold Beach



2010-2011

Rental Rates

(Maximum 10 guests, 12 with the pool house)

One Week.....	1300
Two Weeks.....	2350
Four Days Minimum.....	800
Five Days.....	975
Six Days.....	1150
Seven Days.....	1300
Eight Days.....	1450
Nine Days.....	1600
Ten Days.....	1750
Eleven Days.....	1900
Twelve Days.....	2050
Thirteen Days.....	2200

A-22

10/10/10

pool house not available separately

*The Bjorklund House
29509 Crook Street
Gold Beach, Oregon 97444
call (541) 488-0407 for reservations*

licensee, of any violation of any state law or any law or code which might justify a forfeiture of such bond.

All indemnity company bonds must be written by a surety company, licensed to do business within the State of Oregon upon its regular indemnity bond form with the particular provisions provided therein as required within this code. The City Attorney must approve all such indemnity bond forms.

Transient Room Tax and Community Promotion Code

4.200 Title.

This portion of the Gold Beach Code shall be known as the Transient Room Tax and Community Promotion Fund Code of the City of Gold Beach.

4.205 Definitions.

Except where the context otherwise requires, the definitions given in this section govern the construction and interpretations of this code.

(1) "Lodging establishment" means any structure, or any portion of any structure which is occupied or intended or designed for transient occupancy for thirty-days or less for dwelling, lodging, or sleeping purposes, and includes any hotel, motel, inn, condominium, tourist home or house, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity sorority, public or private club, provided such occupancy is for less than a thirty-day period.

(2) "City Council" means the City Council of the City of Gold Beach, Oregon.

(3) "Occupancy" means the use or possession, or right to the use or possession for lodging or sleeping purposes of any rooms or rooms in a lodging establishment.

(4) "Operator" means the person who is the proprietor of the lodging establishment in any capacity. Where the operator provides services through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this code and shall have the same duties and liabilities as the proprietor. Compliance with the provisions of this code by either the proprietor or the managing agent shall be deemed to be compliance to both.

"Person" means any individual, partnership, joint venture, association, trust, firm, general organization, fraternity, sorority, public or private corporation, partnership, trust, company, corporation, estate, trust, business, trust, receiver, trustee, executor, administrator, or combination of any or all of them.

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(6) "Cash accounting" means the operator does not enter the rent due from a transient on the business records until the rent is paid.

(7) "Accrual accounting" means the operator enters the rent due from a transient on the business records when the rent is earned, whether or not it is paid.

(8) "Rent" means the consideration charged, whether or not received by the operator, for the occupancy of space in a lodging establishment, valued in money, goods, credits, property or other consideration valued in money without any deduction, but shall not include charges to a condominium unit owner which are solely for cleaning or maintenance of such unit or personal use or occupancy by such owner, so long as the charges are made in connection therewith for space occupancy.

(9) "Rent package plan" means the consideration charged for both food and rent where a single rate is made for the total of both. The amount applicable to rent for determination of transient room tax under this code shall be the same charge made for rent when consideration is not a part of the package plan. The amount applicable to rent for determination of transient room tax under this code shall be that amount allocated to space rent, taking into consideration a reasonable value of other items in the rent package and taking into consideration charge for rent when the space is rented separately and not included in a package plan.

(10) "Tax" means the tax payable by the transient or the aggregate amount of taxes due from an operator during the period for which is required to report his collections.

(11) "Tax Administrator" means the City Administrator of the City of Gold Beach, Oregon.

(12) "Transient" means any individual who exercised occupancy or is entitled to occupancy in a lodging establishment for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days. The day a transient checks out of the lodging establishment shall not be included in determining the thirty-day period if the transient is not charged rent for that day. Any individual so occupying space in a lodging establishment shall be deemed to be a transient until the period of thirty-days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy, or the tenancy actually extends more than thirty consecutive days. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this code may be considered. A person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a transient.

(13) "Transient Lodging Tax Review and Promotional Expenditure Committee" means a committee composed of five (5) members; two members appointed by the Council of the City of Gold Beach from applications received from the Gold Beach Chamber of Commerce membership and two members appointed by the Council of the City of Gold

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Beach, from applications received from lodging establishment operators contributing to this fund and one member appointed by the Council of the City of Gold Beach from applicants received from the community at large that are directly involved with the tourist industry. Chamber Board Members are ineligible to serve on the Committee. The powers and duties of the committee are set forth in Section 4.280 of this code.

(14) "Community Promotion and Advertisement" means any activity that promotes tourism in a manner consistent with state law (ORS 320.300).

4.210 Tax Imposed.

For the privilege of occupancy in any lodging establishment, on or after the 1st day of June 1982, each transient shall pay six percent (6%) of the rent charged by the operator. The tax constitutes a debt owed by the transient to the City, which is extinguished only by payment by the operator to the City. The transient shall pay the tax to the operator of the lodging establishment at the time the rent is paid. The operator shall record the tax when rent is collected if the operator keeps records on a cash accounting basis and when earned if the operator keeps records on an accrual accounting basis. If rent is paid in installments, the transient shall pay a proportionate share of the tax to the operator with each installment. In all cases the rent paid or charged for occupancy shall exclude the sale of any goods, services and commodities, other than the furnishings of rooms, space or accommodations by the operator.

4.215 Rules for Collection of Tax by Operator.

(1) Every operator renting rooms or space for lodging or sleeping purposes in this City, the occupancy of which is not exempted under the terms of this code, shall collect a tax from the occupant. The tax collected or accrued by the operator constitutes a debt owing by the operator to the City.

(2) In all cases of credit or deferred payment of rent, the payment of tax to the operator may be deferred until the rent is paid, and the operator shall not be liable for the tax until credits are paid or deferred payments are made. Adjustments may be made for uncollectables.

(3) The Tax Administrator shall enforce provisions of this code. The City Council shall have the power to adopt by resolution, rules and regulations not inconsistent with this code as may be necessary to aid the Tax Administrator in enforcing this code.

(4) The tax collected by the operator of a mobile tractor or a permit of the City shall be remitted.

In instances where credit is extended to the transient for occupancy of the room or space through the use of a credit card or other form of payment, following the receipt of the operator's bill, accounted for by a contract between the operator and the transient, the

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card, the amount of such discount shall be excluded from the definition of "Rent" and no tax shall be imposed on the amount so discounted.

4.220 Operator's Duties.

Each operator shall collect the tax imposed by this code at the same time as the rent is collected from every transient. The amount of tax shall be separately stated upon the operator's records and any receipt rendered by the operator. No operator of a lodging establishment shall advertise that the tax or any part of the tax will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, when added, any part will be refunded, except in the manner provided by this code.

4.225 Exemptions.

No tax imposed under this code shall be imposed upon any of the following:

- (1) Any occupant for more than thirty successive calendar days with respect to any rent imposed for the period commencing after the first thirty-days of such successive occupancy.
- (2) Any occupant whose rent is of value less than two dollars per day.
- (3) Any person who rents a private home, vacation cabin, condominium, or like facility from any owner, where the owner who rents such facilities does this as an incidence to his own personal use thereof and is not engaged in a commercial operation of renting such condominiums or vacation cabin or private home
- (4) Any occupant whose rent is paid for a hospital room or to a medical clinic, convalescent home, or home for the aged people, or to a public institution owned and operated by a unit of the government.
- (5) Any person who rents a recreational vehicle space, mobile home space, or a motor home space, in any recreational park, mobile home park or motor home court or campground.

4.230 Registration of Operator: Certificate of Authority.

Any person engaging or about to engage in business as an operator of a lodging establishment in this City shall register with the Tax Administrator. Operators starting a new business must register within fifteen days after commencing business. The privilege of registration after commencing business shall not relieve any person from the obligation of payment or collection of tax regardless of registration. Registration sets forth the name under which the operator transacts or intends to transact business, the location of the place or places of business and such other information to facilitate collection of the tax as the Tax Administrators may require. The operator shall sign the registration. Within ten calendar days after registration, the Tax Administrator shall issue, without charge to each lodging

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establishment registrant a certificate of authority to collect the tax. Certificates shall be non-assignable and non-transferable and shall be surrendered immediately to the Tax Administrator upon the cessation of business at the location named or upon its sale or transfer. Each certificate and duplicate shall state the place of business to which it is applicable and shall be prominently displayed therein so as to be seen and come to the notice readily of all occupants and persons seeking occupancy.

Said certificate shall, among other things, state the following:

- (1) The name of the lodging establishment.
- (2) Address of the lodging establishment.
- (3) The date upon which the certificate was issued.

(4) "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Transient Lodging Tax Code of the City of Gold Beach, by registration with the Tax Administrator for the purpose of collecting from transients the lodging tax imposed by said City and remitting said tax to the Tax Administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, or to operate a lodging establishment without strictly complying with all local applicable laws including, but not limited to, those requiring a permit from any board, commission, department or office of the City of Gold Beach. This certificate does not constitute a permit".

4.235 Due Date: Return and Payment

(1) The tax imposed by this code shall be paid by the transient to the operator at the time that rent is paid. All such taxes collected by any operator are due and payable to the Tax Administrator monthly on the first day of the following month for the preceding month. Such taxes shall be considered delinquent after 8:00 A.M. on the tenth day of the month in which they are due.

(2) Returns shall show the amount of tax collected or otherwise due for the related period. The Tax Administrator may require returns to show the total rentals upon which tax was collected or otherwise due, gross receipts of operator for such period, and an explanation in detail of any discrepancy between such amount and the amount of rent exempt, if any.

(3) The person required to file the return shall deliver the return, together with the remittance of the amount of the tax due, to the Tax Administrator by personal delivery or mail. If the return is mailed, the date and time it is received in the business office shall be considered the date of delivery for determining delinquencies.

(4) For good cause the Tax Administrator may extend the time for making such return or payment of tax. The extension shall not exceed one month unless further

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extension shall be granted, except by majority decision of the City Council. Any operator to whom an extension is granted shall pay interest at the rate of one and one-half percent per month on the amount of tax due without pro-ration for a fraction of a month. If a return is not filed and the tax and interest due is not paid by the end of the extension granted, then the interest shall become a part of the tax for computation of penalties described elsewhere in this code.

4.240 Penalties and Interest.

(1) Original delinquency. Any operator who has not been granted an extension of time for remittance of the tax due and who fails to remit any tax imposed by this code prior to delinquency, shall pay ten percent of the amount of the tax due in addition to the amount of the tax.

(2) Continued delinquency. Any operator who has not been granted an extension of time for remittance of tax due and who failed to pay any delinquent remittance on or before a period of thirty-days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of fifteen percent of the amount of the tax due plus the amount of the tax and the ten percent penalty first imposed.

(3) Fraud. If the Tax Administrator determines that the non-payment of any remittance due under this code is due to fraud or intent to evade the provisions thereof, a penalty of twenty-five percent of the amount of the tax shall be added thereto in addition to the penalties stated in paragraphs (a) and (b) of this section.

(4) Penalties merged with tax. Every penalty imposed and such interest as it accrues under the provisions of this section shall be merged with and become a part of the tax herein required to be paid.

(5) Petition for waiver. Any operator who fails to remit the tax herein levied within the time herein stated shall pay the penalties herein stated provided, however, the operator may petition the Tax Administrator for a waiver and refund of the penalty or any portion thereof. The Tax Administrator may, if a good and sufficient reason is shown, waive and direct a refund of the penalty or any portion thereof.

4.245 Deficiency Determinations: Fraud or Evasion.

(1) Deficiency determinations. Deficiency determinations. If the Tax Administrator determines that the returns are correct he or she may compute and determine the amount required to be paid upon the facts contained in the return or returns or upon the basis of any information within or that may come into the Tax Administrator's possession. One or more deficiency determinations may be made of the amount due for one or more than one period, and the amount so determined shall be due and payable immediately upon service of notice as herein provided, after which the amount determined is delinquent. Penalties on deficiencies shall be applied as set forth in Section 4.240.

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(a) In making a determination the Tax Administrator may offset overpayments that have been previously made for a period or periods, or against penalties and interest on the underpayments. The interest on underpayments shall be computed in a manner set forth in Section 4.240.

(b) The Tax Administrator shall give to the operator or occupant a written notice of his or her determination. The notice may be served personally or by mail. If by mail the notice shall be addressed to the operator at the address as it appears on the records of the Tax Administrator. In case of service by mail of any notice required by this code, it shall be served by mailing such notice by certified mail, postage prepaid, return receipt requested.

(c) Except in case of fraud or intent to evade this code or authorized rules and regulations, every deficiency determination shall be made and notice thereof mailed within three years after the last day of the month following the close of the monthly period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires later.

(2) Any determination shall become due and payable immediately upon receipt of notice and shall become final twenty days after the Tax Administrator has given notice thereof provided, however, the operator may petition the Tax Administrator for re-determination and refund pursuant to Section 4.250 if the petition is filed before the determination becomes final as provided in this subsection.

* (3) Fraud, refusal to collect, evasion. If any operator shall fail or refused to collect said tax or to make, within the time provided in this code, any report or remittance of said tax or any portion thereof required by this code, or makes a fraudulent return or otherwise willfully attempts to evade this code, the Tax Administrator shall proceed in such a manner as may be deemed best to obtain the facts and information on which to base an estimate of the tax due. As soon as the Tax Administrator has determined the tax due that is imposed by this code from any operator who has filed or refused to collect the same, and to report and remit said tax, he or she shall proceed to determine and assess against such operator the tax, interest and penalties provided by this code. In case such determination is made, the Tax Administrator shall give a notice in the manner aforesaid of the amount so assessed. Such determination and notice shall be made and mailed within three years of the discovery by the Tax Administrator of any fraud, intent to evade or failure or refusal to collect said tax, or failure to file return. Any determination shall become due and payable upon receipt of notice. The determination shall become final twenty days after the mailing of the notice provided however that the operator has a right to appeal to the City Council any decision of the Tax Administrator made pursuant to this section. The operator's right to appeal is pursuant to Section 4.287 herein. In the event of an appeal, the decision of the Council will be final at the time it is rendered.

(4) Operator delay. If the Tax Administrator believes that the operator has failed to pay any amount of tax required to be collected and paid by this code, and he or she has advised in any assessment or will be jeopardizing collection of the tax, the administrator may make a determination of the tax owed. The amount of the determination shall be

provided shall be immediately due and payable. The operator shall immediately pay such determination to the Tax Administrator after notice has been served. The operator may petition after payment has been made, for redemption and refund of such determination if the petition is filed within twenty days from the date of notice served by the Tax Administrator.

4.250 Re-determinations.

(1) Any person against whom a determination is made under Section 4.245 or any person directly interested in the determination may petition for a re-determination and redemption and refund within the time required in Section 4.245 (2). If a petition for re-determination and refund is not filed within the time required in Section 4.245 (2), the determination becomes final at the expiration of the allowable time.

(2) If a petition for re-determination and refund is filed within the allowable period, the Tax Administrator shall reconsider the determination. If the person has so requested in his or her petition, the Tax Administrator shall grant the person an oral hearing and shall give the person twenty days notice of the time and place of the hearing. The Tax Administrator may continue the hearing from time to time as may be necessary.

(3) The Tax Administrator may decrease or increase the amount of the determination as a result of the hearing. If an increase is determined such increase shall be payable immediately after the hearing.

(4) No petition for re-determination or redemption and refund or appeal therefrom shall be effective for any purpose unless the operator has first complied with the payment provisions hereof.

4.255 Security for Collection of Tax.

(1) The Tax Administrator, whenever it is deemed necessary to insure compliance with this code, may require the operator subject thereto to provide the City with a security in the form of cash, bond or other security as determined by the Tax Administrator. The amount of the security shall be fixed by the Tax Administrator but shall not be greater than twice the operator's estimated average monthly liability for the period of the return, determined in such a manner as the Tax Administrator deems proper, or five thousand dollars, whichever amount is less. The amount of security may be increased or decreased by the Tax Administrator subject to limitations herein provided. The operator has a right to appeal to the City Council any decision of the Tax Administrator made pursuant to this section. The operator's right to appeal is pursuant to Section 4.285 herein.

(2) At any time within three years after any tax or any amount of tax required to be collected becomes due and payable or at any time within three years after any determination becomes final, the Tax Administrator may bring any action in the courts of this state, or any other state, or of the United States in the name of the City to collect the amount delinquent together with penalties and interest.

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The tax imposed by this code together with the interest and penalties herein provided and the filing fees paid to the County Clerk of Curry County, Oregon and advertising costs which may be incurred when same becomes delinquent as set forth in this code shall be and until paid remain a lien from the date of its recording with the Curry County Clerk of Curry County, Oregon. Said lien shall be superior to all subsequent recorded liens on all tangible personal property used in the lodging establishment of an operator within Gold Beach, and may be foreclosed on and sold as may be necessary to discharge said lien if the lien has been recorded with the County Clerk of Curry County, Oregon. The Tax Administrator or designee may issue notice of the lien whenever the operator is in default in the payment of said tax. Interest and penalty shall be recorded with the County Clerk of Curry County, Oregon and a copy sent to the delinquent operator. Any personal property subject to such lien seized by any deputy or employee of the Tax Administrator may be sold by the department seizing same at public auction after ten days notice, which means one publication in a newspaper published in the City of Gold Beach, Oregon. Any lien for taxes shown on the records of the proper county official shall, upon payment of all taxes, penalties, and interest thereon, be released by the Tax Administrator when the full amount determined to be due has been paid to the City. The operator or person making such payment shall receive a receipt therefore stating that the full amount of taxes, penalties, and interest thereon have been paid and that the lien is hereby released and the record of lien is satisfied.

(1) Refunds by the City to the operator. Refunds by the City to the operator. Whenever the amount of any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the Tax Administrator under this code, it may be refunded, provided a verified claim in writing stating the specific reason upon which the claim is founded is filed with the Tax Administrator within three years from the date of payment. The claim shall be made on forms provided by the Tax Administrator. If the claim is approved by the Tax Administrator, the excess amount collected or paid may be refunded or may be credited on any amount then due and payable from the operator from whom it was collected or paid and the balance may be refunded to such operator, executor, or assigns.

(2) Refunds by City to transient. Whenever the tax required by this code has been collected by an operator and deposited by the operator with the Tax Administrator and it later is determined that the tax was erroneously or illegally collected or received by the Tax Administrator, it may be refunded by the Tax Administrator to the transient provided a verified claim is founded and filed with the Tax Administrator within three years from the date of payment.

(3) Refunds by operator to tenant. Whenever the tax required by this code has been collected by the operator and it is later determined that the tenant vacated the premises during a period commencing thirty days without termination of the operator's license, the operator may refund to the tenant the tax previously collected by the operator, and that refund may

transient. The operator shall account for such collection and refund to the Tax Administrator. The operator shall be entitled to a corresponding refund under this section if the tax was remitted prior to the refund or credit to the tenant.

(4) No interest shall be paid by the Tax Administrator on any refunds made under this section.

4.270 Purpose of and Distribution Formula for Transient Room Tax Receipts.

It is the intent and purpose of this code to raise revenues for funding of a program of community advertising and promotion, and the disbursement formula therefore is as follows:

(1) Each operator liable for collection and remittance of the Transient Room Tax as imposed by this code, shall withhold five percent (5%) of the net tax collected to cover the operator's expense in collection and remittance of said tax.

(2) Whenever the tax required by this code has been collected by the operator and it is later determined that the tenant occupies the lodging establishment for a period exceeding thirty-days (30) without interruption, the operator shall refund to such tenant the tax previously collected by the operator from that tenant as a transient. The operator shall account for such collection and refund to the Tax Administrator. The operator shall be entitled to a corresponding refund under this section if the tax was remitted prior to the refund or credit to the tenant.

(3) There is hereby created a special fund of the City of Gold Beach to be known as "The Community Advertising and Promotion Fund" into which the Tax Administrator shall deposit seventy-five percent (75%) of the net tax collected under this code. Said fund shall be completely separate and apart from any other special or general funds of the City of Gold Beach

4.275 Record Keeping and Inspection.

(1) Records required for operators. Every operator shall keep guest records of room sales and accounting books and records of the room sales. Operators shall retain all such records for a period of three years and six months.

(2) Examination of records; investigations. The Tax Administrator or designee may examine during normal business hours records relating to room sales of any operator liable for the tax. The Tax Administrator may investigate the business of the operator to verify the accuracy of any return made or, if the operator makes no return, to ascertain and determine the amount required to be paid

(3) Confidential character of information obtained. It shall be unlawful for the Tax Administrator or any person having an administrative or clerical duty under the provisions of this code to make known in any manner whatsoever the business affairs, operations or information obtained by an investigation of records and equipment of any

person, required to obtain a Transient Occupancy Registration Certificate or pay a transient occupancy tax, or other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof set forth in any statement or application, or to permit any statement or application, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any person; provided that nothing in this section shall be construed to prevent:

(a) The disclosure to, or the examination of records and equipment by another City of Gold Beach Official, employee or agent for collection of taxes for the sole purpose of administering or enforcing any provisions of this code, or collecting taxes imposed hereunder, or collecting city business license fees.

(b) The disclosure, after the filing of a written request to that effect, to the taxpayer, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, of information as to any paid tax, any unpaid tax or amount of tax required to be collected, or interest and penalties; further provided, however, that the City Attorney approves each such disclosure and that the Tax Administrator may refuse to make any disclosure referred to in this paragraph when the public interest would suffer thereby.

(c) The disclosure of the names and address of any persons to whom Transient Occupancy Registration Certificates has been issued.

(d) The disclosure of general statistics regarding taxes collected or business done in the City.

4.280 Term, Powers and Duties of the Transient Lodging Tax Review and Expenditure Committee.

(1) The two members of said committee from applications received from the Gold Beach Chamber of Commerce shall have terms of four years each. Position number one shall be appointed on the even years and position number three shall be appointed on the odd years with the terms beginning on the first day of January. The two members of the committee from applications received from lodging establishment operators contributing to this fund shall have terms of four years each. Position number four shall be appointed on the even years and position number five shall be appointed on the odd years. Position number two of the committee shall be appointed on the even years from applications received from the community at large that are directly involved with the tourist industry. This position will be titled "member at large".

(2) Should any member resign or be removed in accordance herewith, the City Council shall appoint a replacement and said new member shall serve the remainder of the unexpired term.

(3) Any committee member may be removed from the committee by a majority vote of committee members and approval of the City Council.

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(4) A quorum of three members of the committee will be necessary to conduct business of the committee. The committee shall pick a Chair and Secretary who serve at the pleasure of the committee. The committee shall keep a record of its meetings and procedures. All minutes, records and files pertaining to actions of the committee shall be kept at City Hall. The committee shall hold monthly meetings at the Gold Beach City Hall. All committee meetings shall be open to the public. Committee members shall attend all regularly scheduled meetings. The City Council may remove any committee member who misses in excess of two meetings per fiscal year. Committee members shall not receive any compensation for their services on the committee.

(5) The committee shall formulate a long-range strategy and plan for community promotion and advertising for the greater Gold Beach area including, but not limited to, a comprehensive media campaign for such promotion. The Committee may retain services of an advertising agency to provide professional expertise. The Committee shall formulate a fiscal year budget from July 1 to June 30 each year for such expenditures.

(6) Through the City's budget development and adoption process, the City Council will set funding levels for expenditures from the Community Advertising and Promotion Fund. The Tax Administrator will approve all specific line-item expenditures from the Fund prior to expenses being incurred. Any expenditure decisions made by the committee in violation of this section shall be null and void and not the responsibility of the City.

~~X~~ 4.285 Appeals to City Council.

Any person aggrieved by any decision of the Tax Administrator may appeal to the City Council by filing notice of appeal with the Tax Administrator within twenty days (20) of the serving or the mailing of the notice of the decision given by the Tax Administrator. The Tax Administrator shall transmit said notice of appeal, together with any files of said appealed matter to the Council, who shall fix a time and place for hearing such appeal from the decision of the Tax Administrator. The Council shall give the appellant not less than twenty days (20) written notice of a time and place of said hearing of said appealed matter. Action by the Council on appeals shall be decided by a majority of the members of the Council present at the meeting where such appeal is considered. All decisions of the City Council in regards to appeals are final and binding.

4.286 Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this code, or any part thereof, is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this code or any part thereof.

4.290 Violations.

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It is unlawful for any operator or other person so required to fail or refuse to register as required herein, or to furnish any return required to be made, or fail to refuse to furnish a supplemental return or other data required to make, render, sign or verify any report shall make any false or fraudulent report, with the intent to defeat or evade the determination of any amount due required by this code.

4.295 Penalties.

Any person willfully violating any of the provisions of this code shall be guilty of a misdemeanor and may be punishable by a fine of not more than five hundred dollars (\$500.00). The maximum fine may be amended from time to time by resolution of the Gold Beach City Council.

and

Gold Beach Sign Code

4.300 Title.

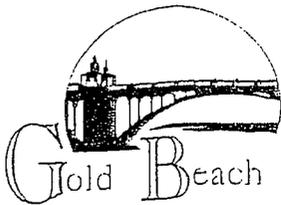
This portion of the Gold Beach Code shall be known and cited as the City of Gold Beach Sign Code.

4.305 Purposes.

This code has been enacted for the following purposes:

- (1) To provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the quality of materials, construction, location, electrification and maintenance of all signs and sign structures not located within a building. The regulations of this Sign Code are not intended to permit any violations of the provisions of any other lawful code or ordinance of the City.
- (2) To ensure that signs are designed, constructed, installed and maintained so that public safety and traffic safety are not compromised.
- (3) To allow and promote positive conditions for meeting sign users' needs while at the same time avoiding nuisances to nearby properties.
- (4) To reflect and support the desired character and development patterns of the City.
- (5) To allow for a variety of number and type of signs in commercial and industrial areas while preventing signs from dominating the visual appearance of the area.
- (6) To ensure that the signs within the city are aesthetically pleasing and harmonious.

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TRANSIENT ROOM TAX OPERATOR REGISTRATION

Municipal Code Section 4.205 (4): "Operator" means the person who is the proprietor of the lodging establishment in any capacity. Where the operator provides services thorough a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this code and shall have the same duties and liabilities as the principal. Compliance with the provisions of this code by either the principal or the managing agent shall be considered to be compliance by both.

Property Owner: _____ Phone #: _____

Mailing Address: _____

Agent (if any): _____

Mailing Address/Phone: _____

Name under which Operator will be transacting business: _____

Address of rental establishment: _____

By signing this registration the Operator agrees to comply with the provisions of the Transient Room Tax and Community Promotion Code (copy provided with this form).

Operator (or Agent) Date

After registration the Operator shall be provided a Certificate of Authority, which shall be prominently displayed at the rental location.

Any questions regarding the collection of room tax should be directed to the Administrative Service Director : 541-247-7029. Forms will be provided by the city for collection purposes.

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Brent Thompson
29509 Crook Street
Gold Beach, OR 97444

12 September 2011

Ellen Barnes & Jodi Fritz
City of Gold Beach
Ellensburg Ave
Gold Beach OR 97444

Re: City Occupancy Tax for vacation rental

Dear Ellen and Jodi,

Last week I received a delinquency notice regarding non payment of the occupancy tax for the instances when I rent out my home as a vacation rental.

Upon approval of the Bjorkiund House Vacation Rental in 2005 I did attempt to pay the Occupancy Tax but when I tried to remit the tax to the City of Gold Beach, my payment was refused because under the Vacation Rental Ordinance owners who occupy their vacation rental and rent it out incidental to residing in the home are exempt. (Please see the attached sheet)

Thus, after my attempt to pay was refused, I ceased trying to pay the city tax although I do pay the state occupancy tax.

I do annually pay \$75 for a City business license.

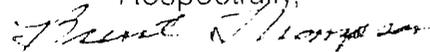
In my application from 2005 I alluded to the provision in the ordinance where exemptions are stated, but the conditions called for the tax to be paid. But that one condition of approval from 2005 may say that one was to pay the tax, that condition of approval cannot over ride the City Ordinance passed by the City Council exempting owner occupants who rent their house incidental to their living in the house. It would take a change of the ordinance by the Council to cause an owner occupant of a vacation rental to be liable for the tax.

Although my listing shows on the internet all year, I rent out the house only four or five times per year. This is partly due to my having a four night minimum which as explained in my application tends to encourage use by families and discourage loosely affiliated groups. This is also due to my at times having construction people living in the house and due to sometimes having paying lodgers for more than 30 days. My principal business is renting out space for long term residents and business owners.

Thus, I am appealing the Notice of Delinquency of the City Occupancy tax, and I am doing so within the 20 day appeal period.

Thank you.

Respectfully,



Brent Thompson
541 944-6954

cc Council and Planning Commission

Attachment B-1

card, the amount of such discount shall be excluded from the definition of "Rent" and no tax shall be imposed on the amount so discounted.

4.220 Operator's Duties.

Each operator shall collect the tax imposed by this code at the same time as the rent is collected from every transient. The amount of tax shall be separately stated upon the operator's records and any receipt rendered by the operator. No operator of a lodging establishment shall advertise that the tax or any part of the tax will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, when added, any part will be refunded, except in the manner provided by this code.

4.225 Exemptions.

No tax imposed under this code shall be imposed upon any of the following:

(1) Any occupant for more than thirty successive calendar days with respect to any rent imposed for the period commencing after the first thirty-days of such successive occupancy.

(2) Any occupant whose rent is of value less than two dollars per day.

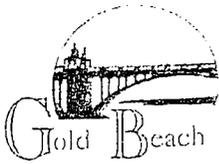
(3) Any person who rents a private home, vacation cabin, condominium, or like facility from any owner, where the owner who rents such facilities does this as an incidence to his own personal use thereof and is not engaged in a commercial operation of renting such condominiums or vacation cabin or private home

(4) Any occupant whose rent is paid for a hospital room or to a medical clinic, convalescent home, or home for the aged people, or to a public institution owned and operated by a unit of the government.

(5) Any person who rents a recreational vehicle space, mobile home space, or a motor home space, in any recreational park, mobile home park or motor home court or campground.

4.230 Registration of Operator: Certificate of Authority.

Any person engaging or about to engage in business as an operator of a lodging establishment in this City shall register with the Tax Administrator. Operators starting a new business must register within fifteen days after commencing business. The privilege of registration after commencing business shall not relieve any person from the obligation of payment or collection of tax regardless of registration. Registration sets forth the name under which the operator transacts or intends to transact business, the location of the place or places of business and such other information to facilitate collection of the tax as the Tax Administrators may require. The operator shall sign the registration. Within ten calendar days after registration, the Tax Administrator shall issue, without charge to each lodging



City of Gold Beach
29592 Ellensburg Avenue, Gold Beach, OR 97444
541-247-7029 Fax 541-247-2212
September 19, 2011

**Notice of Tax Administrator Appeal Hearing
Bjorklund House/Thompson**

Type of Appeal:

An appeal of the Tax Administrator's transient room tax determination and assessment

Applicable Municipal Code Citations:

City of Gold Beach Municipal Code
Business Code

Section 4.200- 4.295: Transient Room Tax and Community Promotion Code

Appellant & Property Owner:

Property Owner: Bjorklund House Vacation Rental
Brent Thompson
PO Box 201
Ashland, OR 97520

Subject Property Information:

Location: The subject property is located at 29509 Crook Street
Assessor Map Number: 3715-01AA tax lot 3800

PUBLIC HEARING

Date: Monday, October 10, 2011
Time: 6:30 PM
Place: City of Gold Beach Council Chambers
City Hall
29592 Ellensburg Ave
Gold Beach, OR 97444

Attachment C

OREGON SECRETARY OF STATE
► Corporation Division

HOME



- business information center
- business name search**
- oregon business guide
- referral list
- business registry/renewal
- forms/fees
- notary public
- uniform commercial code
- uniform commercial code search
- documents & data services

Business Name Search

[New Search](#) [Printer Friendly](#)

Business Entity Data

09-19-2011
16:58

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
013910-93	ABN	ACT		04-05-2001	04-05-2013	
Entity Name BYORKLUND HOUSE						
Foreign Name						
Affidavit? N						

[New Search](#) [Printer Friendly](#)

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	29509 CROOK ST					
Addr 2						
CSZ	GOLD BEACH	OR	97444	Country	UNITED STATES OF AMERICA	

The Authorized Representative address is the mailing address for this business.

Type	REP	AUTHORIZED REPRESENTATIVE			Start Date	04-05-2001	Resign Date	
Name	BRENT		THOMPSON					
Addr 1	PO BOX 201							
Addr 2								
CSZ	ASHLAND	OR	97520	Country	UNITED STATES OF AMERICA			

Type	REGREGISTRANT							
Name	BRENT		THOMPSON					
Addr 1	582 ALLISON							
Addr 2	PO BOX 201							
CSZ	ASHLAND	OR	97520	Country	UNITED STATES OF AMERICA			

Attachment D-1
9/19/2011 4:58 PM

Type	REGREGISTRANT		
Name	SYLVIA	THOMPSON	
Addr 1	582 ALLISON		
Addr 2	PO BOX 201		
CSZ	ASHLAND	OR	97520
Country	UNITED STATES OF AMERICA		

[New Search](#) [Printer Friendly](#) [Name History](#)

Business Entity Name	Name	Name	Start Date	End Date
	Type	Status		
BYORKLUND HOUSE	EN	CUR	04-05-2001	

Please [read](#) before ordering [Copies](#).

[New Search](#) [Printer Friendly](#) [Summary History](#)

Image Available	Action	Transaction Date	Effective Date	Status	Name / Agent Change	Dissolved By
	RENEWAL PAYMENT	03-01-2011		SYS		
	RENEWAL PAYMENT	03-24-2009		SYS		
	RENEWAL PAYMENT	02-27-2007		SYS		
	RENEWAL PAYMENT	03-08-2005		SYS		
	RENEWAL PAYMENT	02-25-2003		SYS		
	APPLICATION FOR REGISTRATION	04-05-2001		FI	Representative	

[New Search](#) [Printer Friendly](#) [Counties](#)

Counties Filed

Curry, Jackson

Counties Not Filed (but not necessarily available)

Baker, Benton, Clackamas, Clatsop, Columbia, Coos, Crook, Deschutes, Douglas, Gilliam, Grant, Harney, Hood River, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Malheur, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Washington, Wheeler, Yamhill

12
9/19/2011 4:55

BEACHFRONT VACATION RENTALS - HOMES FOR RENT NEAR BEACH - BEACH HOUSE

REFINE YOUR SEARCH

PROPERTY TYPE

- House(2)
- Estate(1)

BEDROOMS

- 4 Bedroom(1)
- 2 Bedroom(1)
- 3 Bedroom(1)

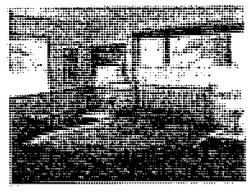
DESTINATION

- Gold Beach, Oregon(3)

Search Result

Viewing 1 - 3 of 3 Results

The Bjorklund House, Gold Beach, , Oregon, USA



4 Bedroom 2 Bathrooms Sleeps 8-10
 Rates : \$ 1300/Week Check Availability Contact Owner

A beautiful 4 bedroom (linens provided) 2 1/2 bathroom house with an ocean view on 5 sheltered acres. is within walking distance of shopping, restaurants, and the beach. The house features a ...
 ...more details

Click on image for photos

Beach House at Spirit Cove, Gold Beach, , Oregon, USA

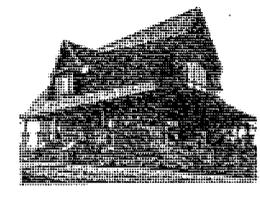


2 Bedroom 2 Bathrooms Sleeps 4-6
 Rates : \$ 190/Night Check Availability Contact Owner

The Beach House at Spirit Cove, gives you immediate, private access to over 6 miles of pristine, uncrowded beach with a spectacular view in every direction. Lounge on the deck right in the fr...
 ...more details

Click on image for photos

Maple House Estate, Gold Beach, , Oregon, USA

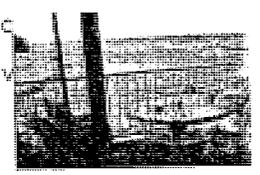


3 Bedroom 2 Bathrooms Sleeps 6-8
 Rates : \$ 350/Night Check Availability Contact Owner

Looking for a first class trip to the coast? Look no further than the Maple House Estate. This 5,400 square foot luxury home has a master suite and a two master bedrooms. Each of these luxuri...
 ...more details

Click on image for photos

BREATHTAKING VIEWS -



Isla Verde, Puerto Rico

2 Bedroom
 1 Bathroom
 5-8
 More Details

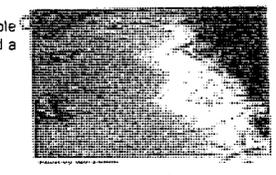
CASA BORINQUEN



Aguadilla, Puerto Rico

3 Bedroom
 2 Bathrooms
 5-8
 More Details

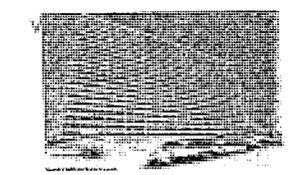
TROPICAL BEACHFRONT



Key Largo, Florida USA

Studio
 1 Bathroom
 1-4
 More Details

TREASURE ISLAND CONDO



Panama City Beach, Florida USA

2 Bedroom
 2 Bathrooms
 5-8
 More Details

BRAND NEW BUCERIAS



Bucerias , Nayarit

Attachment E-1

The Bjorklund House - Gold Beach, Oregon, United States

AdChoices ▾

[< Return to Gold Beach Oregon, United States Property List](#)

AdChoices ▾

First Choice

Property
Clean Rental Homes
Rental Management
www.1stchoice.com

Marriott Newport Beach

3 Nights in 2BR resort
from \$399 Marriott's
Newport Coast Villas.
MarriottVacationClub.com/newport

Newport Coast Hotel Deal

Free Hot Breakfast/3
Diamond AAA Book a
Package online/Great
Value
www.HotExpress.com/newport

Cabo Vacation Rentals

Private Homes,
Condos, and Villas
Direct source for
Vacation Rentals
www.CaboHomesAndCondos.com

Mt. Hood Vacation Rentals

Salmon River
Rendezvous on Special
Gourmet Kitchen,
Fireplace, Hot Tub
www.mthoodrentals.com



The Bjorklund House

Sleeps 12
Bedrooms 4
Washrooms 2
Rate from \$970 USD/night

A beautiful 4 bedroom (linens provided) 2 1/2 bathroom ranch

house on

5 sheltered acres within walking distance of shopping, restaurants,
and the beach. Ocean view of the offshore islands. The house

features a pool, horse shoes, ping pong table, pool table, croquet,

games, puzzles, books. TV w/ DVD & VCR players, and videos. For the

TV weary there is no cable TV There is a pool house available

which has a single bed, and a futon for an additional fee of \$35/

night ..

<http://www.vacationrentals411.com/vacation/6174.htm>

Oregon Beach Home Rentals

Beach & bay rentals in
Netarts, OR Stay on
the beach in luxury
homes.
www.netartsbeachrentals.com

Gold Beach Hotels

Hotel Deals in Gold
Beach Oregon.
Compare Prices and
Save up to 75%.
GoldBeachHotels.net

House for Rent

2-5 Bedroom Houses
Are Available In Your
Area Starting At
\$269/Month!
LocalHouses.com

Manzanita Oregon Rental

Rent our Oregon Coast
Vacation Home Near
Beach, Sleeps 10,
Game Room.
www.vrbo.com

Seaside's Hillcrest Inn

Cottages, suites,
spa-rooms & more
Vacation Houses; Nr
Beach & Town
www.seasidehillcrest.com

ER

HONEYMOON VACATION RENTALS - HONEYMOON HOMES FOR RENT- FIND HOMES, CONDOS, VILLAS AND COTTAGES FOR HONEYMOON

REFINE YOUR SEARCH

Search Result

SUN CITY GRAND GOLF

PROPERTY TYPE

Viewing 1 - 1 of 1 Results

1

House(1)

The Bjorklund House, Gold Beach, , Oregon, USA



BEDROOMS

4 Bedroom

2 Bathrooms

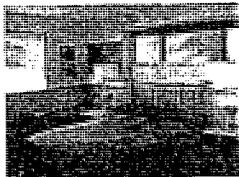
Sleeps 8-10

4 Bedroom(1)

Rates : \$ 1300/Week

Check Availability

Contact Owner



A beautiful 4 bedroom (linens provided) 2 1/2 bathroom house with an ocean view on 5 sheltered acres. is within walking distance of shopping, restaurants, and the beach The house features a...

...more details

Surprise, Arizona USA

2 Bedroom
2 Bathrooms
4-8

More Details

DESTINATION

Gold Beach, Oregon(1)

Click on image for photos

MONARCH BEACH VILLA



Monarch Beach, California USA

3 Bedroom
2 Bathrooms
5-8

More Details

CASA LA LUNA

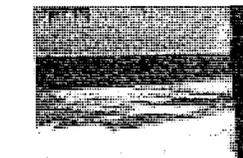


Ojai, California USA

3 Bedroom
2 Bathrooms
5-8

More Details

OCEANFRONT PENTHOUSE

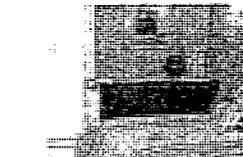


Akumal, Quintana Roo Mexico

3 Bedroom
3 Bathrooms
6-8

More Details

NITTA 1



Nuevo Vallarta, Nayarit



Handwritten mark resembling the number '13' or a similar symbol.

Featured Rentals

Type Baths Steps Rate

read more



Gold Beach Vacation Rentals in Oregon - Beach House at Spirit Cove from Vacation Homes.com

House 2 2 Baths 6 People NA

Amenities: Beach, Golf Course, Pool, Hot Tub, Kitchen, Dishwasher, Washer/Dryer, Smoking OK, Pets OK, TV
 Description: | > > > 18098 | Beach House at Spirit Cove Vacation rental in Gold Beach, OR 97444 Phone Numbers for VacationHomes.com listing #18098 Call Between: any time Ask For: Lidia Toll Free: 800-775-4114 Day: 800-775-4114 Evening: 800-775-4114 Fax: 541-247-4520 Accepts: Sleeps 6 2 bedrooms(s) 2 Bathroom..

read more



Oregon Bed Breakfast Inns, Bed Breakfast Inns, Oregon Coast Bed Breakfast Lodging, Accomodations

House 3 0 Baths 0 People NA

Amenities: Beach, Hot Tub, Smoking OK, Pets OK, TV
 Description: Vacation Locations Vacation Activities Vacation Services Accommodations To be listed on Web Site CALL 541-247-6558 Oregon Tourism Partners Oregon Bed & Breakfast Inn Lodging & Accommodations Your Southern Oregon Bed & Breakfast Lodging and Accommodation guide to featured Bed & Breakfast Inns of So.

read more



Vacation Rentals 411.com - Gold Beach, Oregon - The Bjorklund House

House 4 2.5 Baths 0 People NA

Amenities: Beach, Pool, Hot Tub, Pets OK, TV
 Description: The Bjorklund House Photos The Coast, Gold Beach, Oregon A beautiful 4 bedroom (linens provided) 1 1/2 bathroom house on 5 sheltered acres within walking distance of shopping, restaurants, and the beach. The house features a pool, ping pong table, games, puzzles, books, a set of 1950's encyclopedia..

read more



South Coast Lodging, Your Southern Oregon Coast resource for group lodging, upriver lodging, and fi..

House 3 3 Baths 8 People NA

Amenities: Beach, Hot Tub, Kitchen, TV
 Description: ne vacation rentals BRIGADUNE Michele says... Visit this wonderful home and live the legend of Brigadune! Call me today for more information or to make a reservation. Brigadune is a spacious and luxurious beach home fashioned as a tribute to the legend of Brigadune. This modern home is well appoin.

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Seaside Cabin Rentals

Pet Friendly Home In Seaside Beach Check Our Special Deals & Book Now! www.OregonBeachVacations.com

Vacation Homes

where the wild scenic Rogue River meets the Pacific Oregon Coast clearskylodging.com

Gold Beach Hotels

Hotel Deals in Gold Beach, Oregon Compare Prices and Save up to 75% Gold Beach Hotel.net

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Seaside Cabin Rentals

Pet Friendly Home In Seaside Beach Check Our Special Deals & Book Now! www.OregonBeachVacations.com

Vacation Homes

where the wild scenic Rogue River meets the Pacific Oregon Coast clearskylodging.com

Ad Choices [x]

Related Travel Guides

Travel Guides for Oregon Coast Vacation Rentals

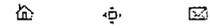
Overview

When you rent a vacation home, you have a lot of choices. You can rent a house, a cabin, a condo, or a villa. You can rent a house with a pool, a hot tub, or a fireplace. You can rent a house with a view of the ocean, a golf course, or a national park. You can rent a house with a pet-friendly policy, a wheelchair-accessible entrance, or a fully equipped kitchen. You can rent a house with a private beach, a private pool, or a private hot tub. You can rent a house with a private chef, a private masseuse, or a private concierge. You can rent a house with a private car, a private boat, or a private plane. You can rent a house with a private jet, a private helicopter, or a private limousine. You can rent a house with a private yacht, a private motorboat, or a private sailboat. You can rent a house with a private golf cart, a private bicycle, or a private horse. You can rent a house with a private tennis court, a private basketball court, or a private swimming pool. You can rent a house with a private spa, a private sauna, or a private hot tub. You can rent a house with a private gym, a private dance studio, or a private theater. You can rent a house with a private office, a private library, or a private art gallery. You can rent a house with a private wine cellar, a private cigar lounge, or a private game room. You can rent a house with a private movie theater, a private concert hall, or a private nightclub. You can rent a house with a private restaurant, a private bar, or a private club. You can rent a house with a private event space, a private wedding venue, or a private reception hall. You can rent a house with a private security system, a private alarm system, or a private fire department. You can rent a house with a private insurance policy, a private liability policy, or a private travel insurance policy. You can rent a house with a private concierge service, a private chauffeur service, or a private limousine service. You can rent a house with a private airport transfer, a private train station, or a private bus station. You can rent a house with a private parking garage, a private driveway, or a private street. You can rent a house with a private garden, a private lawn, or a private pool. You can rent a house with a private deck, a private patio, or a private porch. You can rent a house with a private balcony, a private terrace, or a private veranda. You can rent a house with a private pergola, a private gazebo, or a private arbor. You can rent a house with a private fountain, a private waterfall, or a private stream. You can rent a house with a private bridge, a private tunnel, or a private overpass. You can rent a house with a private road, a private highway, or a private expressway. You can rent a house with a private airport, a private train station, or a private bus station. You can rent a house with a private parking garage, a private driveway, or a private street. You can rent a house with a private garden, a private lawn, or a private pool. You can rent a house with a private deck, a private patio, or a private porch. You can rent a house with a private balcony, a private terrace, or a private veranda. You can rent a house with a private pergola, a private gazebo, or a private arbor. You can rent a house with a private fountain, a private waterfall, or a private stream. You can rent a house with a private bridge, a private tunnel, or a private overpass. You can rent a house with a private road, a private highway, or a private expressway.

Do you own or manage vacation

1-A

9/2/2011 2:59 PM

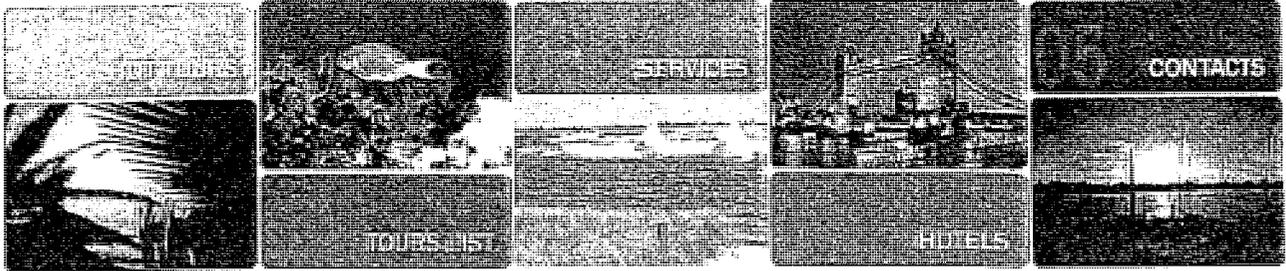


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Travels Information

Everything Search



Cannon Cabin Rentals www.OregonBeachVacations.com
Pet Friendly Homes In Oregon Beach. Check Our Special Deals & Book Now!

Most Romantic Getaway www.fivepinelodge.com
'Editors Choice' In Central Oregon Romance Packages Intimate Setting

Vacation Homes clearskylooding.com
where the wild scenic Rogue River meets the Pacific Oregon Coast

Manzanita Oregon Rental www.vrbo.com
Rent our Oregon Coast Vacation Home Near Beach, Sleeps 10, Game Room.

AdChoices



Name: [The Bjorklund House Vacation Rental In Gold Beach OR.](http://www.goldbeachvacationrental.com/)

Description: The Bjorklund House vacation rental in Gold Beach Oregon. Including Rates and a stand alone apartment available for a separate fee. Enjoy a vacation in beautiful Gold Beach Oregon.

Category: [Oregon Vacation](#)

Url: <http://www.goldbeachvacationrental.com/>

Date: Dec 7, 2005

Current Rating: 0.00

Clicks/Hits Received: 7

What do you think of this resource?

10 - The Best
Rate.It

Rating: 0.00
Votes: 0

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ORDINANCES
&
RESOLUTIONS

RESOLUTION R1112-10

RESOLUTION RESCINDING RESOLUTION R1011-39 AND AMENDING THE SALARY SCHEDULE FOR CITY EMPLOYEES FOR FISCAL YEAR 2011-2012

- WHEREAS:** Resolution R0708-3, Section 6.2 states the City Administrator prepare and recommend a pay plan for all city employees to the City Council; and
- WHEREAS:** The most recent adopted pay plan was prepared in January of 1998; and
- WHEREAS:** The City Administrator prepared a salary schedule based on state Employment Department regional data, comparable public employee salary data, and local government salary data; and
- WHEREAS:** The draft salary schedule was presented to, and approved by, the FY11-12 budget committee members; and
- WHEREAS:** Union negotiations with the Teamsters Police union have required amendments to portions of the salary schedule adopted as Resolution R1011-39 on June 13, 2011.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Gold Beach, Oregon, hereby rescinds Resolution R1011-39 and replaces and adopts the Salary Schedule attached as EXHIBIT A to this resolution as the salary schedule for city employees for fiscal year 2011-2012.

Passed by the City Council of the City of Gold Beach, County of Curry, State of Oregon, this 10th day of October 2011.

James H. Wernicke, Mayor

ATTEST:

Jodi Fritts, City Recorder

EXHIBIT A
R1112-10

CITY OF GOLD BEACH SALARY SCHEDULE FY 2011-2012

EXEMPT EMPLOYEES (DEPARTMENT HEADS)

DEPT	POSITION	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	
ADMIN	CITY ADMINISTRATOR	SET BY COUNCIL CONTRACT					
ADMIN	ADMINISTRATIVE SERVICES DIRECTOR	\$ 3,945	\$ 4,025	\$ 4,146	\$ 4,311	\$ 4,527	
PW	PUBLIC WORKS SUPERINTENDENT	\$ 4,285	\$ 4,370	\$ 4,501	\$ 4,682	\$ 4,916	
POLICE	CHIEF	SET BY CONTRACT, CURRENTLY \$63,600 (\$6300 MONTHLY)					
VIS CTR	EXECUTIVE DIRECTOR	SET BY CONTRACT, CURRENTLY \$45,000 (\$3750 MONTHLY)					
MUNI	MUNICIPAL JUDGE	SET BY RESOLUTION, CURRENTLY \$45 PER HR REGULAR AND \$17 TRAVEL/TRAINING					

NON-EXEMPT EMPLOYEES

DEPT	POSITION	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
ADMIN	ADMINISTRATIVE ASSISTANT	\$ 16.62	\$ 16.95	\$ 17.46	\$ 18.16	\$ 19.07
	ACCOUNTS PAYABLE CLERK	\$ 13.67	\$ 13.94	\$ 14.36	\$ 14.94	\$ 15.68
	OFFICE SUPPORT SPECIALIST	\$ 12.64	\$ 12.89	\$ 13.28	\$ 13.81	\$ 14.50
PW	ASSISTANT PUBLIC WORKS SUPER	\$ 23.42	\$ 23.89	\$ 24.60	\$ 25.59	\$ 26.87
	PUBLIC WORKS LEAD OPERATOR/WORKER	\$ 17.78	\$ 18.13	\$ 18.67	\$ 19.42	\$ 20.39
	PUBLIC WORKS OPERATOR/WORKER	\$ 16.75	\$ 17.08	\$ 17.59	\$ 18.30	\$ 19.21
	METER READER	\$ 13.14	\$ 13.40	\$ 13.80	\$ 14.35	\$ 15.07
VIS CTR	EXECUTIVE ASSISTANT	\$ 14.08	\$ 14.36	\$ 14.79	\$ 15.38	\$ 16.15
	OFFICE STAFF	\$ 10.71	\$ 10.92	\$ 11.25	\$ 11.70	\$ 12.29
MUNI	MUNICIPAL COURT CLERK	\$ 14.36	\$ 14.65	\$ 15.09	\$ 15.69	\$ 16.48

APPROVED BY TEAMSTERS 9/11

DEPT	POSITION	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
POLICE	SERGEANT	\$ 20.56	\$ 21.59	\$ 22.67	\$ 23.80	\$ 24.99	\$ 26.24
	CORPORAL	\$ 18.52	\$ 19.44	\$ 20.42	\$ 21.44	\$ 22.51	\$ 23.64
	OFFICER	\$ 16.76	\$ 17.60	\$ 18.48	\$ 19.40	\$ 20.37	\$ 21.39
	PO OFFICE MANAGER DEPUTY ME-	\$ 14.50	\$ 15.23	\$ 15.99	\$ 16.79	\$ 17.64	\$ 18.52
	(Working as Dept. Medica Examiner, shall receive an additional twenty percent (20%) of their wage added to base						
		\$ 3,564	\$ 3,742	\$ 3,929	\$ 4,125	\$ 4,331	\$ 4,548
		\$ 3,210	\$ 3,370	\$ 3,539	\$ 3,716	\$ 3,902	\$ 4,097
		\$ 2,905	\$ 3,050	\$ 3,203	\$ 3,363	\$ 3,531	\$ 3,708
		\$ 2,514	\$ 2,640	\$ 2,772	\$ 2,911	\$ 3,057	\$ 3,210

UNION REPRESENTATIVE

RESOLUTION R1112-16

A RESOLUTION CONFIRMING APPOINTMENTS TO THE PLANNING COMMISSION AND SETTING TERM OF OFFICE

WHEREAS: The appointment and term of office procedures are set forth in the Gold Beach Administrative Code Section 1.120(2) & (3); and

WHEREAS: Two vacancies exist on the Planning Commission; and

WHEREAS: The City Council advertised for interested persons to fill the vacancy and interviewed those persons;

NOW, THEREFORE, BE IT RESOLVED that the Gold Beach City Council hereby appoints:

_____ **to fill the vacant Position #1 on the Gold Beach Planning Commission, term to expire on December 31, 2013 and;**

_____ **to fill the vacant Position #2 on the Gold Beach Planning Commission, term to expire on December 31, 2011 and;**

Reaffirms the previous appointments of:

Position #3: Roy Lavender expires December 31, 2013
Position #4: Candace Perryman expires December 31, 2011
Position #5: Brent Thompson expires December 31, 2013

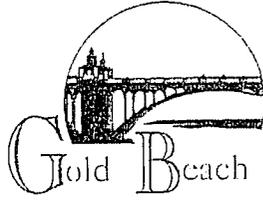
PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 10TH DAY OF OCTOBER 2011.

APPROVED BY:

James H. Wernicke, Mayor

ATTEST:

Jodi Fritts, City Recorder



MISCELLANEOUS
ITEMS

CITY OF GOLD BEACH APPLICATION FOR APPOINTMENT TO
BOARD, COMMISSION OR COMMITTEE

I am interested in serving as a member of the Student Liaison
POS# _____

Name Lyndsey Dixon

Mailing address [REDACTED], Gold Beach, OR 97444

Resident address IF DIFFERENT FROM ABOVE [REDACTED]
[REDACTED], Gold Beach, OR 97444

Home telephone # [REDACTED] Work telephone # N/A

Current employment Student

Your area of interest City Council

Why do you want to serve? Because I'm involved in
Student Council and I want to see
how civics works.

Previous service in this appointed position or a similar position
Student Council Government

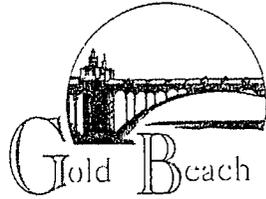
Other volunteer activities 4-H Junior Leader

4-H Camp Counselor, Animal Shelter (Foster care)

Does your schedule allow you to attend daytime meetings? No

Does your schedule allow you to attend evening meetings? Yes

Does your schedule limit the days you could attend meetings? May occasionally



Planning Commission
applications to be presented
at meeting

NOTICE OF PLANNING COMMISSION DECISION

Pursuant to ORS 215.416 (10)

Date: September 26, 2011

File No.: AD-1106

Owner: Gold Beach Investment Properties, Dan J. Agnew
Agent: Tidewater Contractors, Inc, Robert Elayer

Location: The subject property is located 95858 Jerry's Flat Road, approximately 5 miles from its intersection with US Highway 101, partially inside the Gold Beach Urban Growth Boundary.

Assessor Map Number: 36-14-16; Taxlot 302

Address: 95858 Jerry's Flat Road

Applicant(s) Request: A request for a conditional use permit to mine sand and gravel within the Forestry Grazing (FG) zone with Shoreland (SO) and Natural Hazard (NH) floodplain overlays.

Nature of Decision: APPROVAL for a conditional use permit to mine sand and gravel within the Forestry Grazing (FG) zone with Shoreland (SO) and Natural Hazard (NH) floodplain overlays.

REQUIRED STATUTORY NOTICE

This notice is provided in accordance with ORS 215.416 (10), which requires written notice of decision and opportunity for appeal be provided to all parties to the proceeding. A copy of all material relevant to AD-1106 application, documents and evidence submitted by the applicant, applicable decision criteria, and the Final Order is available for review in the offices of the Curry County Department of Public Services. Copies will be provided at a reasonable cost upon request.

A party to the proceeding may appeal the decision of the Planning Commission to the Curry County Board of Commissioners by filing a written appeal application together with a **deposit of \$1,850.00 plus 20% of initial the application fee** with the Curry County Department of Public Services by 5:00 PM on **October 11, 2011** which is fifteen (15) days from the mailing (postmarked date) of this notice.

This decision cannot be appealed directly to the Land Use Board of Appeals (LUBA) under ORS 197.830. An appeal of a Planning Commission Decision to the Board of Commissioners will be a de novo or entirely new hearing and not a review of the record of the Planning Commission's Decision.

Additional information can be obtained by contacting the Planning Manager, Jeni Meyer, at the Curry County Department of Public Services, P.O. Box 746 (94235 Moore Street, lower level) Gold Beach, OR 97444; Phone # (541) 247-3284.

BEFORE THE PLANNING COMMISSION
CURRY COUNTY, OREGON

In the matter of an Administration Decision)
regarding the request for a conditional use)
permit for sand and gravel mining within the)
Forestry Grazing (FG) zone with Shoreland)
(SO) and Natural Hazard (NH) floodplain)
overlays for property identified as Curry)
County Assessor Map No. 3614-16; Tax Lot)
302 (AD-1106))

FINAL ORDER
and Findings of Fact

ORDER in the **APPROVAL** of the application filed by Tidewater Contractors, Inc. on behalf of Gold Beach Investment Properties for a conditional use permit to mine sand and gravel within the Forestry Grazing (FG) zone with Shoreland (SO) and Natural Hazard (NH) floodplain overlays on property identified as Curry County Assessor Map No. 3614-16; Tax Lot 302. Said application (AD-1106) was filed pursuant to the Curry County Zoning Ordinance (CCZO).

BACKGROUND

This matter came before the Curry County Planning Commission as a referral by the Planning Director in accordance with CCZO Section 2.090(3)(d). Applicant requests a conditional use permit to mine sand and gravel within the Forestry Grazing (FG) zone with Shoreland (SO) and Natural Hazard (NH) floodplain overlays on property identified as Curry County Assessor Map No. 3614-16; Tax Lot 302.

The Planning Commission held a hearing on the matter as part of its regularly scheduled meeting on August 18, 2011, after giving public notice to affected property owners and publication in the local newspaper as set forth in Section 2.070. At the public hearing, the Planning Manager presented evidence and testimony in the form of the Staff Report dated August 11, 2011 (Attachment A). Mr. Robert Elayer presented the case for applicant and several members of the public testified in opposition to the application. The Planning Commission continued the matter until September 22, 2011, for deliberation and a decision, and moved to leave the record open for submittal of further evidence by all parties until September 1, 2011, rebuttal until September 8, 2011, and final argument by applicant until September 15, 2011.

On September 22, 2011, the Planning Commission reconvened as scheduled. After consideration and discussion of the evidence and testimony, and upon a motion duly made and seconded, the Planning Commission voted to approve applicant's request as proposed in Land Use File No. AD-1106.

DECISION CRITERIA

The Planning Commission adopts the decision criteria in the attached Staff Report.

FINDINGS OF FACT

Based on the oral testimony presented at the August 18, 2011 meeting, evidence submitted into the record and the findings in the Staff Report, the Planning Commission finds that applicant demonstrated compliance with the relevant decision criteria cited above.

DECISION

NOW THEREFORE LET IT HEREBY BE ORDERED that the Planning Commission **APPROVES** Land Use File No. AD-1106, an application filed by Tidewater Contractors, Inc. on behalf of Gold Beach Investment Properties for a conditional use permit for sand and gravel mining within the Forestry Grazing (FG) zone with Shoreland (SO) and Natural Hazard (NH) floodplain overlays for property identified as Curry County Assessor Map No. 3614-16; Tax Lot 302 subject to the following conditions:

1. Mining activities shall be limited to the areas identified as years 1 and 2 on the attached Figure 1, unless and until applicant receives an approved jurisdictional determination from COE or DSL for the entire proposed mining area. Applicant shall provide the Planning Division with a copy of the approved jurisdictional determination prior to any mining activities outside the previously approved areas.
2. The riparian corridor of seventy-five (75) feet from top of bank shall be maintained at all times.
3. All permits and licenses from other agencies including, but not limited to, DEQ, ODFW, FEMA and DOGAMI that are necessary for development, the operations approved herein, and the equipment used in these operations, shall be obtained prior to initiating any activity approved herein and shall be kept current as necessary. All operations approved herein shall be conducted as required by these permits.
4. Subject to the approval of ODFW, hours of operation for the site shall be 8 a.m. to 5 p.m. November through March, and 8 a.m. to 6 p.m. April through October. Hours of operation shall not include Saturdays, Sundays, or the following holidays:
 - New Year's Day on January 1
 - Presidents Day on the third Monday in February
 - Memorial Day on the last Monday in May
 - Independence Day on July 4
 - Labor Day on the first Monday in September
 - Thanksgiving Day on the fourth Thursday in November
 - Christmas Day on December 25

5. All roads within the boundaries of the subject property utilized in connection with this operation must be surfaced with rock prior to initiation of the operation and must be sprayed with water to control dust if it becomes a visible problem. For the purposes of this request, a visible problem shall be defined as dust rising more than 6 feet above the surface of the road at any time any vehicles or equipment associated with the mining or transport of aggregate on site are operating.

6. Surface mining equipment shall be maintained and operated in a manner as to eliminate noise, vibration, or dust which is injurious or substantially annoying to persons living in the vicinity.

7. Leave areas with overburden and vegetation shall be constructed from the mining removal; black cottonwood cuttings shall be planted during the backfill phase of mining; noxious weed monitoring and removal shall be arranged with Lower Rogue/South Coast Water Council; mining activities shall be limited to periods approved by the ODFW.

8. Each year applicant will submit its proposed mining plans and production quantity to ODFW for approval prior to conducting any mining operations. After the conclusion of mining operations for the year, applicant shall invite ODFW to the site to evaluate the effectiveness of the plan and propose any modifications. Applicant will implement any recommendations made by ODFW within the time periods recommended by ODFW. Applicant shall provide the Planning Division with a written narrative of any ODFW recommendations.

9. The amount of aggregate authorized under this permit shall not exceed the greater of the amount approved by DOGAMI or 40,000 tons per year. The maximum foot print of each year's removal area shall be no larger than the area indicated on the attached Figure 1 as "year 1 mining area."

10. No mining or processing of aggregate resources shall occur within 3,500 feet of the water supply intake for the City of Gold Beach.

11. Applicant shall not pump water from trenches created by the mining activities.

12. Applicant shall install a groundwater monitoring well in the proposed mining area.

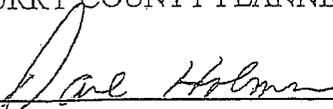
13. Excavation operations shall be halted if evidence of ground contamination or of dumped material from the former mill site operation is exposed during mining activity.

14. The term of this approval is for a period of three (3) years from the date of the final order. The permit may only be renewed upon the submission of evidence from DSL or COE of jurisdictional determination for the entire DOGAMI permit area.

15. Applicant shall submit written reports to the Planning Commission demonstrating compliance with the conditions of approval herein on November 6, 2012 and November 6, 2013. Failure to comply with all conditions of approval, or violations concerning the use approved herein, may result in nullification of this approval by County, after the applicants/property owners have been given due process. The Planning Director is authorized to investigate and determine if the conditions of approval are met, and to promptly report his findings to the Planning Commission. The Planning Commission may institute an immediate re-hearing of this matter if a violation of the conditions of approval is found to be valid.

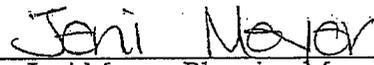
The Planning Commission reviewed and approved this written order in APPROVAL of Land Use File No. AD-1106 on this 22nd day of September, 2011.

CURRY COUNTY PLANNING COMMISSION



Dave Holman, Chair
Planning Commission

Approved as to Form:
David J. Pratt, Planning Director



By: Jeni Meyer, Planning Manager

Attachments:
A Figure 1

OHW Line on 2009 Orthophoto



Legend

— PARCELS

5 Photographs

Figure 1

0 275 550 ft.

Map center: 42° 27' 31.1" N, 124° 22' 20.7" W



Scale: 1:4,800

This map is a public resource of general information. Use this information at your own risk. Curry County makes no warranty of any kind, expressed or implied, including any warranty of merchantability, fitness for any particular purpose or any other matter.



HAPPENINGS

September 30-October 1: I attended the annual LOC conference in Bend with all of you. All the sessions I attended will count toward my Local Government Management Certificate. I need a total of 140 credits and I have earned 67 credits so far. I submitted the LOC conference for credit and will hear in a few weeks how many credits they will award.

October 4 & 5: I attended Risk Manager Training sponsored by CIS, our insurance carrier. This training was free to CIS members. They paid for the hotel the city only had to pay my travel. This session will also count towards my LGMC. The training was very interesting. Some of the RM practices we already do, and do them well. Other RM practices will have to be reviewed and/or implemented. The first thing I plan to do is form a Risk Management Team which will consist of probably Will, Dixon, Bruce, Ron and myself. The Team will work together to identify and mitigate risks within the various departments and buildings. We will receive a 1% credit on our premiums for attending the training and assigning me as the Risk Manager. In addition, we have the opportunity to earn more 1% credits by participating in other risk reduction and best practices activities.

The auditors will be here the last week of October. They were here a few months ago for the "pre-audit" where they did some of the upfront work. This year will be a little challenging with the software conversion mid-year, but we'll muddle through. Unlike the City of Oakridge I did not lose 450K when we converted.

UPDATE FROM WILL on WWTP project

Tracy Wood will be starting on October 15th. Mr. Mayor will swear him in at the November council meeting. We poached Tracy from the county.

Union contract has been completed. The formatted contract will come to you in November for approval.

AMCO lawsuit regarding the Marstall Building damage has been settled. Ellen attended a mediation session the Thursday before LOC. The final resolution was a \$30K settlement split between the defendants. The City's portion was \$5000. The City is not out anything CIS has covered us.

Concerns about the admin office staffing. Without going into details I do actually have a plan. I need to get through the audit this month first. I have temporary staff to help me until the audit is over then I can focus on restructuring of the office and duties. This is a good time of year to do this November and December are slow months. It's not appropriate to discuss personnel details at this time.



About CIS	CIS Benefits	Property/Liability	Workers' Compensation	Risk Management	Publications	My Profile
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RISK MANAGEMENT BONUS AND BEST PRACTICES PROGRAM

2011-12 Renewal

CIS is discontinuing the current Best Practice Survey effective immediately. For your 2011-12 renewal we will use the surveys that were completed prior to March 25th. If you have changes to your survey please contact your Risk Management Consultant.

2012-13 Renewal

NEW Bonus Program

CIS is pleased to announce a Best Practice Bonus Program for the 2012-13 renewal. A bonus will be given equal to 1 percent of your contribution up to \$1,000 for each of the following policies or programs adopted:

- Personnel Handbook: [Criteria](#)
- Fleet Policy: [Criteria](#)
- Safety Program: [Criteria](#) and Resources
- Sewer Maintenance Program: [Criteria](#)
- Police Policy Best Practices: [Criteria](#) (Contact Dave Nelson dnelson@cisoregon.org for assistance in meeting this criteria)
- Appoint and train a [risk management coordinator](#)

Visit the [CIS Risk Management Library](#) for sample policies and additional resources. Click [here](#) for to review a brochure on the program. Click [here](#) for Frequently Asked Questions. Your CIS Risk Management Consultant is available to help you qualify for these bonuses.

NEW Best Practice Survey

CIS Risk Management Consultants will assist you in completing a simplified best practices survey.

Main Office
1212 Court St NE
Salem, OR 97301
Phone 503 763 3800
Toll Free (800) 922 2684
Fax 503 763 3900

Claims Office
PO Box 1469
Lake Oswego, OR 97035
Phone 503 763 3875
Fax 503 763 3901

Pre-Loss Legal Department
Phone (503) 763 3848
Toll Free (800) 922 2684 ext 7
Email PreLoss@cisoregon.org

[Questions? Contact CIS](#)