



Oregon

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 02/11/2015
Jurisdiction: City of Portland
Local file no.: RICAP 6
DLCD file no.: 002-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 01/29/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 36 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 002-14 {19907}

Received: 1/29/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Portland

Local file no.: None. DLCD file number: 002-14 (RICAP 6)

Date of adoption: 01/14/2015 Date sent: 1/29/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 10-15-2014

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Julia Gisler, City Planner II

Phone: 503-823-7624

E-mail: julia.gisler@portlandoregon.gov

Street address: 1900 SW 4th Ave, suite 7100

City: Portland

Zip: 97201

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Zoning Code Chapter 33.207, Accessory Short-Term Rentals

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

The RICAP 6 short-term rental code amendments, adopted July 30, 2014, allow residents in single-family houses to rent up to two bedrooms to overnight guests if the house is their primary residence; this is subject to a new administrative permit that includes safety and notice requirements. The amendments adopted Jan. 14, 2014, allows short-term rentals in multi-dwelling structures with a limit of 1 unit or 25 percent of all units in multi-dwelling structures.

ORDINANCE No. 186976 As Amended

Amend accessory short-term rentals regulations to allow multi-dwelling structures, multi-dwelling development, triplexes, attached duplexes, manufactured dwellings and houseboats; establish fee for accessory short-term rental permits in multi-dwelling structures (Ordinance; amend Title 33)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. This ordinance is part of the Regulatory Improvement Workplan, an ongoing program to improve City building and land use regulations and procedures. Each package of amendments is referred to as RICAP (Regulatory Improvement Code Amendment Package) followed by a number. This ordinance pertains to the Regulatory Improvement Code Amendment Package 6 (RICAP 6) amendments addressing accessory short-term rentals.
2. During the spring and summer of 2013, staff from the Bureau of Planning and Sustainability (BPS) and the Bureau of Development Services (BDS) worked together to develop a draft work plan for RICAP 6. Potential code amendments were drawn from a database that contains regulatory improvement requests.
3. On August 13, 2013, the Planning and Sustainability Commission held a public hearing and adopted the work plan for (RICAP 6). Notice of the August 13 hearing was sent to all neighborhood associations, neighborhood coalitions, and business associations in the city of Portland, as well as other interested parties on July 25, 2013. The accessory short-term rental items were grouped together in the work plan and identified as items 12-14.
4. During the summer and fall of 2013, BPS staff conducted research, met with neighborhood land use chairs, and worked with BDS staff and staff from other City agencies to develop a proposal for the accessory short-term rental items.
5. The Planning and Sustainability Commission and the City Council held public hearings on the RICAP 6 proposals. At these hearings there was testimony both in favor of and against allowing accessory short-term rentals in multi-dwelling structures.
6. On July 30, 2014 City Council approved the accessory short-term rental regulations of the RICAP 6 which created a Type A accessory short-term rental permit that allows residents in houses, attached houses, manufactured homes on their own lot, duplexes and accessory dwelling units to rent up to two bedrooms to overnight guests on a short-term basis (less than 30 days at a time). Type B accessory short-term rentals that rent 3-5 bedrooms to overnight guests continue to require a conditional use review.
7. The implementing ordinance for the RICAP 6 accessory short-term rental regulations (Ordinance No. 186736) directs the Bureau of Planning and Sustainability to return to City Council with a proposal for accessory short-term rentals in multi-dwelling structures within 90 days.

8. Mayor Hales's staff formed a stakeholder working group, conducted three working group meetings, and worked with staff from Bureau of Development Services and Bureau of Planning and Sustainability to develop regulations for accessory short-term rentals in multi-dwelling structures.
9. On October 15, 2014 notice of proposed action was mailed to Department of Land conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-018-0020 and ORS 197.610. This was a revision to a previously submitted notice (RICAP 6) submitted on 03/18/2014, which addressed many different proposed zoning code amendments in addition to amendments allowing short-term rentals.
10. The *Accessory Short-Term Rentals in Multi-Dwelling Structures—Mayor's Recommended Draft*, was available to the public on October 20, 2014. Notice of the November 19, 2014 City Council hearing on the Mayor's recommendation was mailed to the persons and entities identified in PCC 33.740.020.B.1, all persons who presented testimony orally or in writing to the Planning and Sustainability Commission or City Council and provided a name and address, those who asked for notice, and other interested parties on October 21, 2014.
11. The Bureau of Development Services enforcement program has determined that a fee of \$100 will cover the actual cost of processing an administrative permit for a Type A accessory short-term rental in a multi-dwelling structure.

Findings on Statewide Planning Goals

12. State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with state land use goals. Only the stated goals addressed below apply.
13. **Goal 1, Citizen Involvement**, requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided several opportunities for public involvement. The amendments are supportive of this goal for the following reasons:
 - a) The *Regulatory Improvement Code Amendment Package 6 (RICAP 6): Proposed Workplan* which included a minor policy bundle of accessory short-term rental items was made available to the public for review on July 24, 2013. The report was posted on the City's regulatory improvement program website and mailed to all who requested a copy.
 - b) The Planning and Sustainability Commission held a public hearing on the RICAP 6 proposed work plan on August 13, 2013. Notice of the hearing was mailed to all neighborhood associations, neighborhood coalitions, business associations, and other interested parties on July 25, 2013.
 - c) The *Regulatory Improvement Code Amendment Package 6 (RICAP 6): Discussion Draft* was made available to the public for review on January 6, 2014. The report was posted on the City's regulatory improvement program website, and mailed to all who requested a copy.
 - d) Notice of the RICAP 6 discussion draft was also mailed on January 8, 2014 to over 750 recipients, including neighborhood associations, neighborhood coalitions, business associations, and other interested parties. The notice included the dates, times and locations of neighborhood association or neighborhood coalition meetings, and a BPS sponsored open house, during which project staff presented the draft for discussions and questions.

- e) Project staff attended six neighborhood coalition meetings, and two neighborhood association meetings between January 6, and February 21, 2014. The RICAP 6 discussion draft report was presented and discussed at each of these meetings. In every meeting attended the majority of the interest and discussion focused on the accessory short-term rental proposals.
- f) Project staff held an open house on February 11, 2014 to discuss the *RICAP 6 Discussion Draft* from 5:00 pm to 7:30 pm. The first hour included a staff presentation followed by discussion about the accessory short-term rental proposals. Because of the interest in these proposals the entire open house was dedicated to the short-term rental proposals.
- g) On March 18, 2014 notice of the proposed action was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-018-0020 and ORS 197.610.
- h) The *Regulatory Improvement Code Amendment Package 6 (RICAP 6): Proposed Draft* was made available to the public for review on March 21, 2014. The report was posted on the City's regulatory improvement program website and mailed to all who requested a copy.
- i) The Planning and Sustainability Commission held a public hearing on the RICAP 6 proposed draft on April 22, 2014. Notice of the hearing was mailed to the regional transit agency, Metro, the Oregon Department of Transportation, all neighborhood associations, neighborhood coalitions, business associations, affected bureaus, and other interested parties on March 20, 2014, as required by ORS 227.186 and PCC 33.740.
- j) The *Regulatory Improvement Code Amendment Package 6 (RICAP 6): Recommended Draft* was made available to the public for review on May 19, 2014. The report was posted on the City's regulatory improvement program website and mailed to all who requested a copy.
- k) City Council held a public hearing on the RICAP 6 recommended draft on June 4, 2014. Notice of the hearing was mailed on May 13, 2014 to all who testified orally or in writing at the Planning and Sustainability Commission hearing, and to other persons who requested such notice.
- l) In addition to the June 4, 2014 public hearing on all RICAP 6 items, City Council review of the accessory short-term rentals regulations included a work session on June 24, and subsequent public hearings on July 2 and July 23, 2014.
- m) At the June 23, 2014 hearing Mayor Hales directed staff to look at options for including short-term rentals in multi-dwelling structures and return to Council before the end of the year with a proposal. This direction was included in the Ordinance adopting the rest of RICAP 6.
- n) On October 15, 2014 a revised notice of the RICAP 6 proposed action was mailed to Department of Land conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-018-0020 and ORS 197.610.
- o) The *Accessory Short-Term Rentals in Multi-Dwelling Structures—Mayor's Recommended Draft*, was available to the public on October 20, 2014. The report was posted on the City's regulatory improvement program website and mailed to all who requested a copy.
- p) Notice of the November 19, 2014 City Council hearing on the Mayor's recommendation was mailed to the persons and entities identified in PCC 33.740.020.B.1, all persons who presented testimony orally or in writing to the Planning and Sustainability Commission or City Council and

provided a name and address, those who asked for notice, and other interested parties on October 21, 2014.

14. **Goal 2, Land Use Planning**, requires the development of a process and policy framework that acts as a basis for all land use decisions and assures that decisions and actions are based on an understanding of the facts relevant to the decision. The process for identifying and adopting the amendments supports this goal for the following reasons:

- The process followed all procedures required by Title 33.740, Legislative Procedures, OAR 660-018-0020, ORS 227.186 and ORS 197.610;
- The amendments meets relevant goals and policies of the City's adopted Comprehensive Plan as described in the findings for Portland's Comprehensive Plan Goals and Policies;
- The amendments are based on relevant facts in the record including an estimate of the number of accessory short-term rentals in multi-dwelling structures being operated in the city; a survey of accessory short-term rental operators in Portland conducted by Airbnb; a review of relevant City and State regulations pertaining to lodgings and lodging taxation; and testimony in the record.

See also findings addressing Portland Comprehensive Plan Goal 1, Metropolitan Coordination.

15. **Goal 9, Economic Development**, requires provision of adequate opportunities for a variety of economic activities vital to public health, welfare, and prosperity. These amendments are consistent with this goal by allowing accessory short-term rentals in additional residential structure types, thereby expanding the opportunity to use additional types of dwelling units for economic activity. The findings for Portland Comprehensive Plan Goal 5, Economic Development also demonstrate that the amendments are consistent with this goal.
16. **Goal 10, Housing**, requires provision for the housing needs of citizens of the state. The findings for Portland Comprehensive Plan Goal 4, Housing, and relevant sub-policies and objectives, demonstrate that the amendments are consistent with Goal 10.
17. **Goal 12, Transportation**, requires provision of a safe, convenient, and economic transportation system. The findings for Portland Comprehensive Plan Goal 6, Transportation, and relevant sub-policies demonstrate that the amendments are consistent with Goal 12.
18. **The Oregon Transportation Planning Rule (TPR)** was adopted in 1991 and amended in 1996, 2005 and 2012 to implement State Goal 12. The TPR requires certain findings if a proposed Comprehensive Plan Map amendment, zone change, or regulation will significantly affect an existing or planned transportation facility.

These amendments will not have a significant effect on existing or planned transportation facilities because, as demonstrated in the findings for Portland Comprehensive Plan Goal 6 and related sub-policies, the amendments ensure that the number of trips generated by a household living use with an accessory short-term rental use will not exceed the number of trips generated by a household living use without an accessory short-term rental.

19. **Goal 14, Urbanization**, requires provision of an orderly and efficient transition of rural lands to urban use, the efficient use of land, and the provision of livable communities. The findings for Portland Comprehensive Plan Goal 2, Urban Development, Goal 3, Neighborhoods, and their relevant sub-policies demonstrates that these amendments provide for livable communities and are therefore consistent with this goal.

Findings on Metro Urban Growth Management Functional Plan

20. The following elements of the Metro Urban Growth Management Functional Plan are relevant and applicable to these accessory short-term rental amendments.
21. **Title 1, Housing Capacity**, requires cities and or counties to maintain or increase its housing capacity. This requirement is to be generally implemented through city-wide analysis based on calculated capacities from land use designations. These amendments will not affect housing capacity. The amendments allow accessory short-term rentals in additional housing types, and by definition, an accessory short-term rental is an accessory use to a primary household living use on a site. Because there must continue to be a household living use on the site with an accessory short-term rental, these amendments do not allow conversion of a housing unit in a residential zone to a motel or other commercial use. The findings for Portland Comprehensive Plan Goal 4, Housing, and relevant sub-policies also demonstrate that these amendments are consistent with this title.
22. **Title 4, Industrial and other Employment Areas**, seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of "clustering" to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. These amendments do not increase the type or scale of non-industrial uses allowed in RSIAs, Industrial or General Employment zones for the reasons stated below:
 - The amendments do not allow establishment of a primary household living use in the Industrial or Employment zones. The amendments expand the type of dwelling unit that can have an accessory short-term rental. However, in the Industrial and Employment zones, an accessory short-term rental will only be allowed in situations where the dwelling also has a legally established, non-conforming primary household living use. The accessory short-term rental regulations also contain provisions that limit the scale of the non-industrial activity including a limit on the total number of guests and residents occupying a dwelling unit with an accessory short-term rental, a limit on the number of bedrooms that can be rented to overnight guests, and in the case of a multi-dwelling structure, a cap on the number of accessory short-term rentals allowed in the building;
 - A short-term rental (temporary lodging) can also be considered a Retail Sales and Service use, and Retail Sales and Service uses are currently allowed outright in an Industrial or General Employment zone. Up to one Retail Sales and Service use, with maximum of 3,000 square feet, is allowed in an IG1 zone, up to four Retail Sales and Service uses, with a maximum of 3,000 square feet each, are allowed in the IG2 and IH zones, and up to 60,000 square feet of Retail Sales and Service use, or up to an FAR of 1:1, is allowed in the EG zones.

For these reasons, the amendments do not conflict with Title 4. The findings addressing Portland Comprehensive Plan Goal 6, Transportation, also demonstrate that the amendments do not conflict with Title 4.

23. **Title 7, Housing Choice**, ensures opportunities for affordable housing at all income levels, and calls for a choice of housing types. The findings for Portland Comprehensive Plan Goal 4, Housing, Policy 4.2, Maintain Housing Potential, Policy 4.8, Regional Housing Opportunities, Policy 4.9, Fair Housing, and 4.11, Affordable Housing demonstrate that the amendments are consistent with this title.
24. **Title 12, Protection of Residential Neighborhoods**, calls for protecting the region's existing residential neighborhoods from air and water pollution, noise and crime, and providing adequate levels of public services. The findings for Portland Comprehensive Plan Goal 8, Environment demonstrate that the amendments will limit potential impacts from noise.

Findings on Portland's Comprehensive Plan Goals

25. The following goals, policies, and objectives of the Portland Comprehensive Plan are relevant and applicable to these accessory short-term rentals amendments.

GOAL 1, METROPOLITAN COORDINATION

26. **Goal 1, Metropolitan Coordination**, calls for the Comprehensive Plan to be coordinated with federal and state law and to support regional goals, objectives and plans. The amendments are consistent with this goal because notification of the proposal, and an opportunity to provide comment at a public hearing before the Portland Planning and Sustainability Commission, was provided to the Oregon Department of Land Conservation and Development per ORS 197.610, and to Metro, Tri-Met, and the Oregon Department of Transportation per 33.740.020. In addition, nothing within these amendments changes or affects the Urban Growth Boundary, Urban Planning Area Boundary, or Urban Services Boundary.

GOAL 2, URBAN DEVELOPMENT

27. **Goal 2, Urban Development** calls for maintaining Portland's role as the major regional employment and population center through public policies that encourage expanded opportunity for housing and jobs, while retaining the character of established residential neighborhoods and business centers. The amendments are consistent with this goal because they expand opportunities for home-based jobs, without detracting from the character of existing residential neighborhoods. An accessory short-term rental is a type of home-based job. Accessory short-term rentals are currently not allowed in multi-dwelling structures, multi-dwelling development, triplexes, attached duplexes, manufactured dwellings, and houseboats. These amendments expand the list of housing types in which an accessory short-term rental can be established to all residential structure types. The change will provide residents in the additional housing types the opportunity to have this type of home-based business. The additional home-based jobs will not detract from the character of existing residential neighborhoods because the adopted accessory short-term rental regulations include provisions that address several common elements of neighborhood character including use, intensity, and accessory home occupations:
- Use. The accessory short-term rental regulations do not allow a home in a neighborhood to be converted to a full-time, short-term rental. The existing regulations ensure that the accessory short-term rental remains an accessory use to a primary household living use on a site. This is accomplished by requiring that a long-term resident live in the dwelling unit in which the rooms will be rented;

- Intensity. The accessory short-term rental regulations limit a Type A accessory short-term rental to offering no more than two bedrooms to overnight guests, and require a conditional use review, which includes notice and a public hearing, for facilities that rent more than two bedrooms per night;
- Intensity. The accessory short-term rental regulations limit the total number of guests and residents occupying a dwelling with an accessory short-term rental to no more than the number allowed for a household (per 33.910.030; one or more persons related by blood, marriage, legal adoption, guardianship, or domestic partnership plus not more than 5 other persons). This provision ensures that the number of residents and guests coming and going from the home with bedrooms rented on a short-term basis does not exceed the number of residents allowed to come and go from other homes in the neighborhood without an accessory short-term rental;
- Accessory home occupation. The accessory short-term rental regulations prohibit the establishment of a Type B accessory home occupation in a dwelling unit with an accessory short-term rental, and prohibiting non-resident employees and commercial meetings in a Type A accessory short-term rental. A Type B accessory home occupation is one in which the resident uses their home as place of work, and has one employee or up to eight customers per day. This provision is intended to limit potential impacts that additional trips to and from a dwelling with an accessory short-term rental may have on the surrounding neighborhood;
- Finally, the existing accessory short-term rental regulations allow the Type A accessory short-term rental permit to be revoked for failure to comply with the regulations of 33.207.

In addition to the adopted regulations, the amendments also limit the number of accessory short-term rentals in a multi-dwelling structures to ensure the character of the building and the surrounding area remains residential.

28. **Policy 2.9, Residential Neighborhoods**, calls for allowing for a range of housing types to accommodate increased population growth while improving and protecting the city's residential neighborhoods. The amendments are consistent with this policy because they include provisions that protect the integrity of the city's residential neighborhoods as described in the findings for Goal 2, Urban Development.
29. **Policy 2.14, Industrial Sanctuaries**, calls for providing industrial sanctuaries and encouraging the growth of industrial activities by preserving industrial land primarily for manufacturing purposes. The findings for Title 4 also demonstrate that the amendments are consistent with this policy.
30. **Policy 2.15, Living Closer to Work**, calls for locating greater residential densities near major employment centers, locating affordable housing close to employment centers, and encouraging home-based work where the nature of the work is not disruptive to the neighborhood. As described in the findings for Goal 2, Urban Development, the amendments encourage home-based jobs, and the existing accessory short-term rental regulations include provisions that protect neighborhoods.

GOAL 3, NEIGHBORHOODS

31. **Goal 3, Neighborhoods**, calls for preserving and reinforcing the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses and insure the city's residential quality and economic vitality. The amendments are consistent with this goal and preserve the stability of the city's neighborhoods for the reasons stated in the findings for Goal 2, Urban Development, the Goal 2 sub-policies, and the findings below.

32. **Policy 3.2, Social Conditions**, call for providing and coordinating programs to promote neighborhood interest, concern and security and to minimize the social impact of land use decisions. The amendments promote neighborhood interest and concern because they require the resident to notify neighbors before the accessory short-term rental is approved. The notification must include a description of the operation and the number of rooms to be rented to overnight guests. The notification must also include contact information for the operator and describe how the standards of the Title 33.207 will be met. This notification must be updated every two years. The amendments also address neighborhood concern and security because Title 33.30.040.B.5 allows the Type A accessory short-term rental permit to be revoked for failure to comply with the regulations of Title 33.207. If the permit is revoked, a new permit will not be issued to the operator at that residence for two years.
33. **Policy 3.5, Neighborhood Involvement**, provides for the active involvement of neighborhood residents and businesses in decisions affecting their neighborhood, and calls for providing information to neighborhood and business associations which allows them to monitor the impacts of the Comprehensive Plan. The amendments support this policy because they require that neighborhood associations and business associations be notified when an accessory short-term rental is established within their boundaries. The notification will provide the associations with contact information for the operator, a description of the operation and the number of rooms to be rented to overnight guests, and a description of how the operation meets the other standards of Title 33.207.

GOAL 4, HOUSING

34. **Goal 4, Housing**, calls for enhancing Portland's vitality as a community at the center of the region's housing market by providing housing of different types, density, sizes, costs and locations that accommodates the needs, preferences, and financial capabilities of current and future households. The amendments are consistent with this policy because the existing regulations that will apply to an accessory short-term rentals include provisions aimed at preserving housing, and they accommodate the needs and preferences of current households. The regulations preserve housing by prohibiting the conversion of an entire dwelling unit in a residential zone to a motel or other commercial use. In all cases, an accessory short-term rental must be an accessory use to a primary household living use on a site. The regulations:
- Require that a long-term resident live in the dwelling unit in which the rooms will be rented;
 - Require that the dwelling unit be the long-term resident's primary residence;
 - Limit the number of bedrooms being rented to overnight guests to not more than two, and require a conditional use review for facilities that rent more than two bedrooms per night.

The regulations also accommodate the needs and preference of current households as expressed by people who provided testimony on the accessory short-term rental amendments to the Planning and Sustainability Commission. The Planning and Sustainability Commission received testimony from 36 people who rent bedrooms in their homes to overnight guests. Many of the 36 testified that renting a room to guests has allowed them to increase their income, and 14 of the 36 testified that the additional income has allowed them to stay in their homes.

35. **Policy 4.2, Maintain Housing Potential**, calls for retaining housing potential by requiring no net loss of land reserved for, or committed to, residential, or mixed-use. This policy is implemented by an approval criterion applied to quasi-judicial Comprehensive Plan Map Amendments that requires no net loss of potential housing units when a requested amendment is from a residential or the urban commercial Comprehensive Plan Map designation to a non-residential map designation (33.810.050.A.2). These amendments do not conflict with this policy because they do not amend, change, or undermine the approval criterion.

36. **Policy 4.4 Housing Safety**, calls for ensuring a safe and healthy built environment and assisting in the preservation of sound existing housing and the improvement of neighborhoods. These amendments support this policy because they require the operator of a Type A accessory short-term rental to verify that each floor on which a room will be rented has at least one carbon monoxide alarm, and each bedroom has a smoke detector that is interconnected with smoke detectors in an adjacent hallway. These requirements are intended to ensure that guests can exit the dwelling rapidly and safely in the event of a fire or other emergency. These amendments also prohibit accessory short-term rentals in dwelling units in Chapter 13 buildings without approved sprinkler systems.
37. **Policy 4.8, Regional Housing Opportunities**, ensures opportunities for economic and racial integration throughout the region by advocating for the development of a range of housing options affordable to all income levels throughout the region. Policy 4.8, Objective A calls for advocating for a regional “fair share” strategy for meeting the housing needs of low, moderate, and higher-income households and people in protected classes in cities and counties throughout the region, and Policy 4.8 Objective B calls for supporting regulations and incentives that encourage the production and preservation of housing that is affordable throughout the region. As stated in the findings for Goal 4, Housing, and Policy 4.2, Maintain Housing Potential, these amendments will not encourage the loss of long-term rentals because they do not allow the conversion of housing units in residential zones from a primary residential use to a primary commercial use.
38. **Policy 4.9, Fair Housing**, calls for freedom of choice in housing type, tenure, and neighborhood for all, regardless of race, color, age, gender, familial status, sexual orientation, religion, national origin, source of income or disability. City Code Title 23.01 and Oregon Revised Statute 659A.403 prohibit discrimination based on race, religion, color, sex, sexual orientation, gender identity, national origin, marital status, familial status, age if over 18, or disability in places of public accommodation, such as lodgings, and in the selling, leasing or renting of real property. This ordinance does not reduce or nullify in any way the prohibition of discrimination contained in City Code Title 23.01 or ORS 659A.
39. **Policy 4.11 Affordability**, promotes the development and preservation of quality housing that is affordable across the full spectrum of household incomes. The amendments are consistent with this policy because allowing accessory short-term rentals will not affect the supply of needed affordable housing for the following reasons:
- The accessory short-term rental regulations do not allow conversions of needed housing in residential zones from a residential use to a commercial use. The regulations ensure that the primary use of the dwelling unit remains household living. The regulations allow a long-term resident to rent unused bedrooms within their primary residence to overnight guests, and the regulations limit the number of bedrooms that can be rented on a short-term basis.
 - Allowing accessory short-term rentals in additional residential structure types will increase the number of householders eligible to establish an accessory short-term rental. Testimony in the record asserts that the ability to receive income from overnight guests may increase the ability of long-term residents to afford the cost of maintaining their homes or remain in their home during times of financial struggle.
 - Home Forward (formerly Housing Authority of Portland) is a government agency that owns homes and makes them available to rent by households earning less than sixty-percent of median metropolitan statistical area income. Rental agreements for these homes always contain a prohibition on subletting that will prohibit accessory short-term rentals. The amendments will therefore not affect the affordability of this publically owned housing. In addition, they will not

affect affordable housing obtained through the Housing Choice Voucher Program funded by the U.S. Department of Housing and Urban Development and administered by Home Forward. This program is commonly referred to as Section 8, and it provides rent assistance to low-income residents. The assistance voucher can be used for renting an apartment or a house, but it cannot be used to rent a room in an apartment or a house, therefore converting a bedroom in a home to an accessory short-term rental is not removing a Section 8 housing unit from the affordable housing market.

40. **Policy 4.14 Neighborhood Stability**, calls for neighborhood stability by promoting: 1) a variety of homeownership and rental housing options; 2) security of housing tenure; and 3) opportunities for community interaction. As detailed in the findings for Goal 2, Urban Development, Policy 2.15, Living Close to Work, Policy 3.2 Social Conditions, Policy 3.5, Neighborhood Involvement, and Goal 4, Housing, the amendments promote neighborhood stability by ensuring that the short-term rental use remains accessory to a primary household living use, preventing the conversion of a dwelling in a residential zone to a full-time, short-term rental, requiring notification of the establishment of an accessory short-term rental to neighboring dwelling units and local neighborhood and business associations, and allow the accessory short-term rental permit to be revoked for failure to comply with the regulations of Title 33.207.

GOAL 5, ECONOMIC DEVELOPMENT

41. **Goal 5, Economic Development**, calls for fostering a strong and diverse economy which provides a full range of employment and economic choices for individuals and families in all parts of the city. As described in the findings for Goal 2, Urban Development, and Policy 2.15, Living Close to Work, the amendments are consistent with this goal because they encourage expanded opportunity for home-based jobs. An accessory short-term rental, where a long-term resident rents bedrooms in the dwelling in which they reside to overnight guests, is a home-based job. Currently, accessory short-term rentals are not allowed in multi-dwelling structures, multi-dwelling development, triplexes, attached duplexes, manufactured dwellings, and houseboats. The amendments allow residents in these structure types the opportunity to have this type of home-based job. According to a survey of accessory short-term rental host in Portland who use the Airbnb website, the average annual income generated from an accessory short-term rental is \$6,860 (Airbnb survey 2014).

GOAL 6, TRANSPORTATION

42. **Goal 6, Transportation**, calls for developing a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility. The amendments are consistent with this goal because the existing regulations that will apply to an accessory short-term rental ensure that the potential number of trips generated by an household with an accessory short-term rental will not exceed the number of trips that could be generated by a household without an accessory short-term rental because:
- The regulations include a provision that limits the total number of guests and residents staying in a home with an accessory short-term rental to no more than the number of residents allowed to reside in a home without an accessory short-term rental.

- The regulations further limit the number of trips that could be generated by an home with an accessory short-term rental because they prohibit the resident in a home with a Type A accessory short-term rental from also operating a Type B accessory home occupation. A Type B accessory home occupation is one in which the operator has one employee or up to eight customers per day. By prohibiting a Type B accessory home occupation, the potential number of trips to and from a home in a residential zone is reduced.
- The recommended amendments cap the number of dwelling units in a multi-dwelling structure or triplex that can have an accessory short-term rental. The cap will also limit the potential for additional trips to and from an accessory short-term rental in a multi-dwelling structure.

In addition, testimony in the record suggest that many guests in a home with an accessory short term rental do not have a car. One operator who testified at the Planning and Sustainability Commission hearing said that fewer than one-half of their guests have had a car, and another operator testified that more than 80 percent of their guests did not have a car.

43. **Policy 6.12, Regional and City Travel Patterns**, calls for supporting the use of the street system consistent with its state, regional, and city classifications and its classification descriptions. Objective B calls for minimizing the impacts of interregional and long intraregional trips on Portland neighborhood and commercial areas, while supporting the travel needs of the community. These amendments are consistent with this policy because, as stated in the findings for Goal 6, Transportation, they ensure that the number of trips generated by a dwelling unit with an accessory short-term rental will be no more than, and could potentially be fewer than, the number of trips generated by dwelling unit without an accessory short-term rental.
44. **Policy 6.26, On-Street Parking Management**, calls for managing the supply, operations, and demand for parking and loading in the public right-of-way to encourage economic vitality, safety for all modes, and livability of residential areas. As stated in the findings for Goal 6, Transportation, these amendments are consistent with this policy because they will not increase the demand for parking in residential areas, and will in some cases reduce the potential demand for parking in residential areas.

GOAL 8, ENVIRONMENT

45. **Goal 8, Environment**, calls for maintaining and improving the quality of Portland's air, water and land resources and protect neighborhoods and business centers from detrimental noise pollution. These amendments will limit potential impacts from noise because the amendments and the accessory short-term rental regulations include provisions intended to keep the activities occurring in association with the accessory use at the same level of activity expected from home without an accessory short-term rental. The amendment and regulations accomplish this by:
 - Ensuring that the number of guests and residents staying in a home with an accessory short-term rental does not exceed the number of residents of a home without an accessory short-term rental;
 - Prohibiting establishment of a Type B accessory home occupation in a home with an accessory short-term rental. A Type B accessory home occupation can have up to eight customers arriving and leaving from the home each day;
 - Limiting the number of dwelling units in a multi-dwelling structure or triplex that can have an accessory short-term rental; and
 - Allowing the accessory short-term rental permit to be revoked for failure to comply with the requirements of Title 33.207.

For these reasons, the amendments are consistent with this goal.

GOAL 9, CITIZEN INVOLVEMENT

46. **Goal 9, Citizen Involvement**, calls for improving the methods for citizen involvement in the on-going land use decision-making process, and providing opportunities for citizen participation in the implementation, review, and amendment of the Comprehensive Plan. Policy 9.1 calls for encouraging citizen involvement in land use planning projects by actively coordinating the planning process with relevant community organizations, through the reasonable availability of planning reports to city residents and businesses, and notice of official public hearings to neighborhood associations, business groups, affected individuals and the general public. The preparation of these amendments provided multiple opportunities for citizen involvement, in accordance with the legislative procedure requirements of Title 33.740, Legislative Procedure. The amendments support this goal for the reasons found in the findings for Statewide Planning Goal 1, Citizen Involvement.

GOAL 10, PLAN REVIEW AND IMPLEMENTATION

47. **Policy 10.10, Amendments to the Zoning and Subdivision Regulations**, requires amendments to the zoning and subdivision regulations to be clear, concise, and applicable to the broad range of development situations faced by a growing urban city. Objective A calls for promoting good planning by effectively and efficiently implementing the Comprehensive Plan, addressing present and future land use problems, balancing the benefits of regulations against the cost of implementation and compliance, and assuring that Portland remains competitive with other jurisdictions as a location in which to live, invest and do business. The amendments are consistent with this policy and its objectives for the following reasons:
- They address a development situation that has been growing in Portland. The number of short-term rentals occurring in Portland has increased substantially. In May 2014, Bureau of Planning and Sustainability found over 1,600 short-term rental listings on one website that facilitates peer-to-peer short-term rentals, up from 107 in January 2011. In October, 2014 the Bureau of Planning and Sustainability found that 579 of the 1,600 short-term rental listings were for dwelling units in multi-dwelling structures;
 - They address a present land use problem. Accessory short-term rentals are prohibited in multi-dwelling structures. Therefore, the 579 short-term rental listings for dwelling units in multi-dwelling structures are operating without approval and this presents a present land use problem that needs to be remedied; and
 - They clarify and streamline regulations that have not been updated since 2004.

NOW, THEREFORE, the Council directs:

- a. Adopt Exhibit A, *Accessory Short-Term Rentals in Multi-Dwelling Structures—Mayor's Recommended Draft*, dated October 20, 2014;
- b. Amend Title 33, Planning and Zoning, as shown in Exhibit A, *Accessory Short-Term Rentals in Multi-Dwelling Structures—Mayor's Recommended Draft*, dated October 20, 2014;
- c. Adopt the commentary in Exhibit A, *Accessory Short-Term Rentals in Multi-Dwelling Structures—Mayor's Recommended Draft*, dated October 20, 2014 as legislative intent and further findings;

- d. Direct the Bureau of Planning and Sustainability to monitor the effects of the amendments as part of their overall monitoring program, and provide a report on the effects to City Council by January 2017; and
- e. Amend Bureau of Development Services Enforcement Fee and Penalty Schedule as shown in Exhibit B.

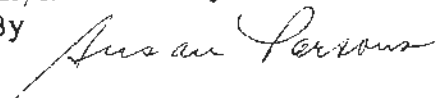
Section 2. If any section, subsection, sentence, clause, phrase, diagram, designation, or drawing contained in this Ordinance, or the plan, map or code it adopts or amends, is held to be deficient, invalid or unconstitutional, that shall not affect the validity of the remaining portions. The Council declares that it would have adopted the plan, map, or code and each section, subsection, sentence, clause, phrase, diagram, designation, and drawing thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, diagrams, designations, or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

Passed by the Council: JAN 14 2015

Mayor Charles Hales
Prepared by: Julia Gisler
Date Prepared: October 27, 2014

Mary Hull Caballero
Auditor of the City of Portland

By



Deputy

~~1211-1247-1333~~ 54

Agenda No.
ORDINANCE NO. 186976 As Amended
 Title

Amend accessory short-term rentals regulations to allow multi-dwelling structures, multi-dwelling development, triplexes, attached duplexes, manufactured dwellings, and houseboats; establish fee for accessory short-term rental permits in multi-dwelling structures (Ordinance, Amend Title 33) Planning and Zoning, and Bureau of Development Services Enforcement Fee and Penalty Schedule)

INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales	CLERK USE: DATE FILED <u>NOV 4 2014</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales <i>[Signature]</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy
BUREAU APPROVAL Bureau: Planning and Sustainability Bureau Head: Susan Anderson <i>[Signature]</i> Prepared by: Julia Gisler Date Prepared: October 30, 2014 Financial Impact & Public Involvement Statement Completed ☒ Amends Budget ☐ Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes ☐ No ☒ City Auditor Office Approval: required for Code Ordinances City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i> Council Meeting Date November 19, 2014	ACTION TAKEN: As Amended NOV 19 2014 PASSED TO SECOND READING DEC 03 2014 9:30 A.M. DEC 03 2014 RESCHEDULED TO DEC 18 2014 DEC 18 2014 PASSED TO SECOND READING JAN 14 2015 10:45 AM TIME CERTAIN

AGENDA TIME CERTAIN ☒ Start time: <u>2:00 pm</u> Total amount of time needed: <u>1.5 hours</u> (for presentation, testimony and discussion) CONSENT ☐ REGULAR ☒ Total amount of time needed: <u>1.5 hrs.</u> (for presentation, testimony and discussion)
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FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	☒	
2. Fish		☒
3. Saltzman	☒	
4. Novick	☒	
Hales	☒	

EXHIBIT A
As Amended

Accessory Short-Term Rentals in Multi-Dwelling Structures

Adopted Report

Adopted: January 14, 2015
Effective: February 13, 2015
Ordinance No. 186976



Accessory Short-Term Rentals in Multi-Dwelling Structures

The City of Portland is committed to providing equal access to information and hearings. If you need special accommodation, please call
503-823-7700, the City's TTY at 503-823-6868,
or the Oregon Relay Service at 1-800-735-2900.



Office of Mayor Charlie Hales
City of Portland

October 17, 2014

Members of Portland City Council
Portland City Hall
1221 SW Fourth Avenue
Portland, Oregon 97204

Dear City Commissioners:

Earlier this year we adopted regulations to allow accessory short-term rentals in single-dwelling homes. It was a great step in the right direction to support the sharing economy, but it didn't go far enough. As you recall, at our final hearing I directed my staff to explore options for expanding this program to multi-dwelling buildings.

My staff convened a working group that included representatives of multi-dwelling property owners, renters, housing advocates, and short-term rental companies. In addition, the group included members of your staffs and various City bureaus. The group met three times to discuss issues related to accessory short-term rentals in multi-dwelling buildings.

My recommendation – to allow accessory short-term rentals in multi-dwelling buildings – was greatly influenced by the input received during these discussions. A City Council hearing is scheduled on Nov. 19, 2014 to review this recommendation. I look forward to hearing from members of the community and to our deliberation.

Thank you,

Charlie Hales, Mayor
City of Portland

Amendments to Type A Accessory Short-Term Rental Regulations

	Single-Dwelling Units	Multi-Dwelling Units
1	Accessory Use	Allow as accessory to residential (Household Living) use. This means that the individual or family who operate the accessory short-term rental must occupy the unit for a least 270 days each year.
2	Building Type	Allow in all single-dwelling units, including: houses, attached houses, duplexes, Accessory Dwelling Units (ADUs), manufactured dwellings, houseboats, and single-dwelling units in multi-dwelling development.
3	Cap	Limit number to 1 or 25% of the units in a multi-dwelling building.
4	Bedroom Requirements	Allow the operator to rent bedrooms that the Bureau of Development Services has verified: a. Met the building code requirements for sleeping rooms at the time they were created or converted; and b. Have smoke detectors that are interconnected with smoke detectors in adjacent hallways and carbon monoxide detectors where carbon monoxide sources are present.
5	Process	Allow 1 and 2 bedroom Accessory Short-Term Rentals through a Type A permit process: - Administrative permit - 1-2 week process - Initial BDS Inspection required, then one every six years. Intervening years the resident certifies there has been no changes to room to be rented since BDS inspection and it has required smoke and carbon monoxide detectors. - Renewal required every 2 years - Fee: \$180 for initial permit - <u>Property owner notarized signature required</u> - May be revoked for failure to comply with the regulations
6	Required Notice	Resident sends a notice, including their contact information, to <u>residents and owners</u> of property abutting or across the street from the residence and to all ONI recognized organizations.
7	Posting Permit Number	Accessory short-term rental permit number must be included in all advertising and posted in the dwelling unit.
8	Number of Guests	Maximum number of occupants is the same as what is currently allowed in a household. Household is defined as "One or more persons related by blood, marriage, domestic partnership, legal adoption or guardianship, plus not more than 5 additional persons, who live together in one dwelling unit..."
9	Home Occupations	Do not allow in conjunction with a Type B home occupation which allows residents to use their homes as a place of work, and either one employee or up to 8 customers a day can come to the site.
10	Employees	Do not allow nonresident employees. Allow hired service for normal maintenance of the residence or site, such as yard maintenance and housecleaning.

Summary of the Adopted Accessory Short-Term Rentals in Multi-Dwelling Units

1. **Allow Accessory Short-Term Rentals (ASTRs) in multi-dwelling units.** This expands the allowance to all residential units, including multi-dwelling structures, multi-dwelling development (an assortment of structures on one property), manufactured homes in a manufactured home park, and houseboats.
2. **Limit number of multi-dwelling units with ASTRs to 1 unit or up to 25 percent of all units.** BDS has determined that with this restriction, the need for a change of occupancy will not be triggered. The cap on the number of ASTRs, along with the requirement that the resident must occupy the unit at least 270 calendar year, ensures that the building more closely matches the non-transient nature of the R-2 (i.e. residential) building code occupancy class.
3. **Require property owner or their authorized agent approval.** The application will require the notarized signature of the property owner or their authorized agent.
4. **No additional inspection required in multi-dwelling structures.** Portland Fire & Rescue conducts inspections for buildings containing 3 or more units every two years. Therefore, no additional inspection is required through this permit.
5. **Self-certification of smoke and carbon monoxide detectors.** While Portland Fire & Rescue conducts inspections for the common spaces in multi-dwelling buildings, they do not inspect each unit. Therefore, this proposal requires that the property owner or their authorized agent certify that bedrooms have smoke detectors that are interconnected with smoke detectors in adjacent hallways within the dwelling unit and carbon monoxide detectors where carbon monoxide sources are present.
6. **Notification is required.** Residents in multi-dwelling structures will be required to send a notification letter that contains the description of their proposed short-term rental with their contact information to:
 - property manager;
 - residents and owners of units adjacent, across the hallway, above and below the unit; and
 - ONI recognized organizations.
7. **Permit Fee for ASTR in multi-dwelling structure.** The estimated fee is \$100 for a two-year permit.

33.207.010 Purpose

Currently the regulations only apply to certain types of residential structures: houses, attached houses, duplexes, manufactured homes on their own lot, and accessory dwelling units. This amendment reflects that the regulations now apply to all residential units not just "certain types".

33.207.020 Description and Definitions

- A. **Description.** Amendment clarifies short-term rentals are when overnight guests stay less than 30 days at a time; 30 days is not the limit on the number of nights that a host can rent to overnight guests.

**CHAPTER 33.207
ACCESSORY SHORT-TERM RENTALS**

Sections:

- 33.207.010 Purpose
- 33.207.020 Description and Definitions
- 33.207.030 Where These Regulations Apply
- 33.207.040 Type A Accessory Short-Term Rentals
- 33.207.050 Type B Accessory Short-Term Rentals
- 33.207.060 Monitoring
- 33.207.070 Pre-Established Bed and Breakfast Facilities

33.207.010 Purpose

This chapter provides standards for the establishment of accessory short-term rentals. ~~The regulations are intended to allow for a more efficient use of certain types of residential structures in a manner which keeps them primarily in residential use, and without detracting from neighborhood character. The regulations are intended to allow for a more efficient use of residential structures, without detracting from neighborhood character, and ensuring that the primary use remains residential.~~ In some situations, the operator can take advantage of the scale and architectural or historical significance of a residence. The regulations also provide an alternative form of lodging for visitors who prefer a residential setting.

33.207.020 Description and Definitions

- A. Description.** An accessory short-term rental is where an individual or family resides in a dwelling unit and rents bedrooms to overnight guests for fewer than 30 consecutive days. There are two types of accessory short-term rental:
 - 1. Type A. A Type A accessory short-term rental is where no more than 2 bedrooms are rented to overnight guests.
 - 2. Type B. A Type B accessory short-term rental is where 3 or more bedrooms are rented to overnight guests.
- B. Definitions.** For the purposes of this chapter, the following words have the following meanings:
 - 1. Resident. The individual or family who resides in the dwelling unit. The resident can be the owner or a long-term renter.
 - 2. Operator. The resident or a person or entity that is designated by the resident to manage the accessory short-term rental.

33.207.030 Where These Regulations Apply

The regulations of this chapter apply to accessory short-term rentals in all zones. In zones where Retail Sales And Service uses are allowed, limited or conditional uses, accessory short-term rentals may be regulated either as a Retail Sales And Service use, or as an accessory short-term rental under the regulations of this chapter. The decision is up to the applicant.

COMMENTARY

33.207.040. Type A Accessory Short-Term Rentals

A. Use-related regulations

3. **Allowed structure type.** This paragraph has been amended to include all residential structure types, including multi-dwelling structures.
4. **Cap.** This regulation limits the number of ASTRs in a multi-dwelling building to 1 unit or up to 25% of units in the building. The cap on ASTRs, along with the requirement that the resident must occupy the unit for at least 270 days during each calendar year, ensures that ASTRs in a multi-dwelling building will not change the overall residential nature of the building.

The figures below show the number of ASTRs that would be allowed in a variety of multi-dwelling buildings. The zoning code rounds fractions for maximum limits DOWN to the nearest whole number (33.930.020.B.1)

3 -7 units	1 ASTR
8- 11 units	2 ASTRs
12-15 units	3 ASTRs
16-19 units	4 ASTRs
20-23 units	5 ASTRs
24-27 units	6 ASTRs
28-31 units	7 ASTRs
32-35 units	8 ASTRs
36-39 units	9 ASTRs
40-43 units	10 ASTRs
100 units	25 ASTRs
200 units	50 ASTRs

33.207.040 Type A Accessory Short-Term Rentals

A. Use-related regulations.

1. Accessory use. A Type A accessory short-term rental must be accessory to a Household Living use on a site. This means that a resident must occupy the dwelling unit for at least 270 days during each calendar year, and unless allowed by Paragraph .040.B.2 or .040.B.3, the bedrooms rented to overnight guests must be within the dwelling unit that the resident occupies.
2. Permit required. A Type A accessory short-term rental requires a Type A accessory short-term rental permit per consistent with Subsection 040.C.
3. Allowed structure type. A Type A accessory short-term rental is allowed in all only in the following residential structure types when accessory to a Household Living use.:
 - a. ~~House;~~
 - b. ~~Attached house;~~
 - c. ~~Duplex;~~
 - d. ~~Manufactured home on its own lot; and~~
 - e. ~~Accessory dwelling unit.~~
4. Cap. The number of dwelling units in a multi-dwelling structure or a triplex that can have an accessory short-term rental is limited to 1 unit, or 25 percent of the total number of units in the structure, whichever is greater.

5. **Prohibition.** In 1972, to ensure adequate fire and life safety protection for inhabitants of older multi-story hotel and apartment structures, the City of Portland adopted Chapter 13 of the Uniform Building Code which applies to existing buildings. Many older structures built under previous codes were constructed in configurations that do not meet current safety requirements or provide adequate safeguards, such as lack of enclosed stairways, enclosed vertical shafts, or availability of proper exits. The purpose of Chapter 13 is to provide a reasonable degree of safety to persons living and sleeping in apartments and hotels through conformity with the minimum safety provisions of Chapter 13. By 1975 all buildings subject to the Chapter 13 building regulations had been inspected and brought into compliance via a permit with the Chapter 13 minimum standards. These buildings are referred to as "buildings with a Chapter 13 agreement" and are subject to the Chapter 13 building regulations.

This amendment ensures that accessory short-term rentals are not allowed in Chapter 13 buildings without fire sprinkler protection to the exitways. Once the Fire Marshal's Office deems the fire sprinkler system acceptable for the building, individual dwelling units in the building may be allowed to have an accessory short-term rental. In addition, these dwelling units must meet the Bedroom Requirements listed in 33.207.050.B.4.b and c. (smoke alarms and carbon monoxide alarms).

5. Prohibition. Accessory short term rentals are prohibited in a building subject to Chapter 13 of the Uniform Building Code (1970 edition) in effect on September 7, 1972, except when the Fire Marshal's Office has determined that the building has a fire sprinkler system that protects the exitways.

B. Standards. The following standards apply to Type A accessory short-term rentals. Adjustments are prohibited:

1. Maximum size. A Type A accessory short-term rental is limited to renting a maximum of 2 bedrooms to overnight guests.
2. Accessory dwelling units. On sites with an accessory dwelling unit, the resident can live in the primary or accessory dwelling unit and rent bedrooms in either dwelling unit, but the maximum number of bedrooms on the site that can be rented to overnight guests is 2.
3. Detached accessory structures. A bedroom in a detached accessory structure can be rented to overnight guests, and counts toward the maximum size limit.

COMMENTARY

4. **Bedroom Requirements.** The Bureau of Development Services ensures that the bedroom requirements for ASTRs in single dwellings/duplex units are met by conducting an inspection of the bedrooms when the ASTR permit is issued, and then again every 6 years. Residents are required to renew the permit and self-certify that the bedrooms continue to meet the regulations every 2 years.

BDS does not recommend that bedrooms in multi-dwelling structures receive an inspection through this permit. Multi-dwelling structures and triplexes are already inspected under the Portland Fire & Rescue (PF&R) Safety Inspection program, which examines the safety features of common areas (e.g. condition and operation of exit doors, emergency lighting, exit signs, components of fire-resistive construction, fire extinguishers, and records for fire alarm and fire protection systems). However, the PF&R inspectors do not inspect individual units.

Therefore, this amendment does not require that BDS verify that the bedrooms rented to overnight guests in a multi-dwelling structure or triplex meet the building code requirements for sleeping rooms. However, the bedrooms must still have interconnected smoke detectors and a carbon monoxide alarm. BDS will verify the bedrooms meet these requirements through self-certification by the property owner or their authorized agent on the permit application.

Type A Accessory Short-Term Rental Permit Inspections

Bureau of Development Services	Portland Fire and Rescue
BDS conducts an initial inspection and then every 6 years with resident self-certifying in the intervening years. • House/attached house • Accessory dwelling unit (ADU) • Duplex/attached duplex • Multi-Dwelling Development (assortment of buildings on one parcel) • Manufactured dwelling (manufactured home, mobile home, and residential trailer) on its own lot or in a manufactured home park • Houseboat (individual and in moorages)	PF&R conducts inspections on multi-dwelling structures with three or more units every 2 years. The property owner or their authorized agent must self-certify that the bedrooms to be rented have the required smoke detectors and carbon monoxide alarms. • Multi-Dwelling Structure (3+ units)

PROPOSED ZONING CODE LANGUAGE

4. Bedroom requirements. The Bureau of Development Services must verify that each bedroom to be rented to overnight guests:
 - a. Met the building code requirements for a sleeping room at the time it was created or converted. Bedrooms in multi-dwelling structures and in triplexes are exempt from this requirement;
 - b. Has a smoke detector that is interconnected with a smoke detector in an adjacent hallway that is in the dwelling unit; and
 - c. Is located on the floor of a dwelling unit equipped with a functioning carbon monoxide alarm. If the dwelling unit does not have a carbon monoxide source, then a carbon monoxide alarm is not required.
5. Number of residents and guests. The total number of residents and guests occupying a dwelling unit with a Type A accessory short-term rental may not exceed the number allowed for a household. For sites with an accessory dwelling unit, the total number of residents and guests occupying both dwelling units may not exceed the number allowed for a household.
6. Employees. Nonresident employees are prohibited. Hired service for normal maintenance, repair and care of the residence or site, such as yard maintenance or house cleaning, is allowed.
7. Services to overnight guests and visitors. Serving alcohol and food to overnight guests and visitors is allowed and may be subject to other county or state requirements.
8. Commercial meetings. Commercial meetings include luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation. Commercial meetings are prohibited with a Type A accessory short-term rental. A historic landmark that receives special assessment from the State, may be open to the public for 4 hours one day each year. This is not considered a commercial meeting.
9. A Type B accessory home occupation is prohibited with a Type A accessory short-term rental.

C. Type A Accessory Short-Term Rental Permit

1. Notification.

a. [No change]

b. (1) Two amendments are proposed to the existing notification requirements for single-dwelling units:

- The requirement to send the notice to the property owner, if not the resident, has been deleted because amendments in 33.207.C.2.a (b) requires the property owner's signature; and
- Notification must also be sent to residents. This change ensures that renters of abutting properties will have information about the accessory short-term rental.

(2) The amendments to this subparagraph create different notification requirements for multi-dwelling structures.

PROPOSED ZONING CODE LANGUAGE

- C. Type A accessory short-term rental permit.** The resident of a dwelling unit with a Type A accessory short-term rental must obtain a permit from the Bureau of Development Services. It is the responsibility of the resident to obtain the permit every two years. The permit requires the resident, and operator if the operator is not the resident, to agree to abide by the requirements of this section, and document that the required notification requirements have been met:

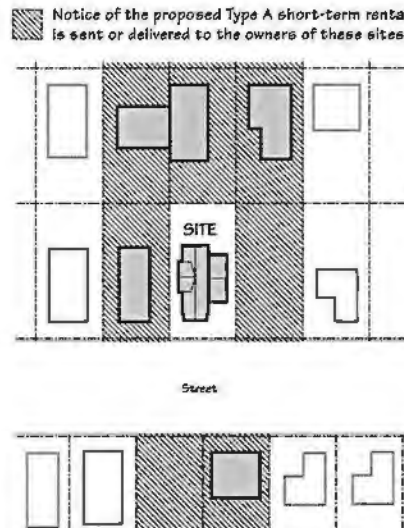
1. Notification. The resident must:
 - a. Prepare a notification letter that:
 - (1) Describes the operation and the number of bedrooms that will be rented to overnight guests;
 - (2) Includes information on how to contact the resident, and the operator if the operator is not the resident, by phone; and
 - (3) Describes how the standards in Subsection .040.A and B are met.
 - b. Mail or deliver the notification letter ~~to~~ as follows:
 - (1) All residential structure types except multi-dwelling structures. If the Type A accessory short-term rental is in a dwelling unit in a residential structure other than a multi-dwelling structure, then the notification letter must be mailed or delivered to all recognized organizations whose boundaries include the accessory short-term rental, the property owner if not the resident, and all residents and owners of property abutting or across the street from the accessory short-term rental. See Figure 207-1.
 - (2) Multi-dwelling structures. If the Type A accessory short-term rental is in a dwelling unit in a multi-dwelling structure, then the notification letter must be mailed or delivered to all recognized organizations whose boundaries include the accessory short-term rental, the property manager if there is one, and all residents and owners of dwelling units abutting, across the hall from, above, and below the accessory short-term rental.
2. Required information for permit. In order to apply for a Type A accessory short-term rental permit, the resident or operator must submit to the Bureau of Development Services:
 - a. Two copies of the completed application form bearing the address of the property, and the name, notarized signature, address, and telephone number of the following:
 - (1) ~~the~~ Resident; and
 - (2) ~~o~~ Operator; and if the operator is not also the resident;
 - (3) Property owner or their authorized agent.
 - b. A copy of the notification letter and a list with the names and addresses of all the property owners, residents and recognized organizations that received the notification.

COMMENTARY

Figure 207-1

Title of Figure 207-1 is amended to exclude dwelling units in multi-dwelling structures.

Figure 207-1
Type A Accessory Short-Term Rental Permit Notice Area for All Dwelling Units
Except those in Multi-Dwelling Structures



- D. Revoking a Type A accessory short-term rental permit.** A Type A accessory short-term rental permit can be revoked according to the procedures in City Code Section 3.30.040 for failure to comply with the regulations of this Chapter. When a Type A accessory short-term rental permit has been revoked, a new Type A accessory short-term rental permit will not be issued to that resident at that site for 2 years.

33.207.050. Type B Accessory Short-Term Rentals

A. Use-related regulations

See commentary for Type A Accessory Short-Term Rentals.

33.207.050 Type B Accessory Short-Term Rentals

A. Use-related regulations.

1. Accessory use. A Type B accessory short-term rental must be accessory to a Household Living use on a site. This means that a resident must occupy the dwelling unit for at least 270 days during each calendar year, and unless allowed by Paragraph .050.B.2 or .050.B.3, the bedrooms rented to guests must be within the dwelling unit that the resident occupies.
2. Conditional use review. A Type B accessory short-term rental requires a conditional use review. A Type B accessory short-term rental that proposes commercial meetings is processed through a Type III procedure. All other Type B accessory short-term rentals are processed through a Type II procedure. The approval criteria are stated in 33.815.105, Institutional and other uses in R zones.
3. Allowed structure type. A Type A accessory short-term rental is allowed in all only in the following residential structure types when accessory to a Household Living use. :
 - a. ~~House;~~
 - b. ~~Attached house;~~
 - c. ~~Duplex;~~
 - d. ~~Manufactured home on its own lot; and~~
 - e. ~~Accessory dwelling unit.~~
4. Cap. The number of dwelling units in a multi-dwelling structure or a triplex that can have an accessory short-term rental is limited to 1 unit or 25 percent of the total number of units in the structure, whichever is greater.
5. Prohibition. Accessory short term rentals are prohibited in a building subject to Chapter 13 of the Uniform Building Code (1970 edition) in effect on September 7, 1972, except when the Fire Marshal's Office has determined that the building has a fire sprinkler system that protects the exitways.

B. Standards.

1. Maximum size. Type B accessory short-term rental is limited to renting a maximum of 5 bedrooms to overnight guests. In the single-dwelling zones, a Type B accessory short-term rental over this size limit is prohibited.
2. Accessory dwelling units. On sites with an accessory dwelling unit, the resident can live in the primary or accessory dwelling unit and rent bedrooms in either dwelling unit.
3. Detached accessory structures. A bedroom in a detached accessory structure can be rented to overnight guests, and counts toward the maximum size limit.

COMMENTARY

4. Bedroom Requirements.

See commentary for Type A Accessory Short-Term Rentals.

PROPOSED ZONING CODE LANGUAGE

4. Bedroom requirements. The Bureau of Development Services must verify that each bedroom to be rented to overnight guests:
 - a. Met the building code requirements for a sleeping room at the time it was created or converted. Bedrooms in multi-dwelling structures and in triplexes are exempt from this requirement;
 - b. Has a smoke detector that is interconnected with a smoke detector in an adjacent hallway that is in the dwelling unit; and
 - c. Is located on the floor of a dwelling unit equipped with a functioning carbon monoxide alarm. If the dwelling unit does not have a carbon monoxide source, then a carbon monoxide alarm is not required.
5. Number of residents and overnight guests. The total number of residents and overnight guests occupying a dwelling unit with a Type B accessory short-term rental may be limited as part of a conditional use approval.
6. Employees. Nonresident employees for activities such as booking rooms and food preparation may be approved as part of the conditional use review. Hired service for normal maintenance, repair and care of the residence or site, such as yard maintenance or house cleaning, is allowed. The number of employees and the frequency of employee auto trips to the facility may be limited or monitored as part of a conditional use approval.
7. Services to guests and visitors. Serving alcohol and food to guests and visitors is allowed and may be subject to other county or state requirements.
8. Commercial meetings.
 - a. Commercial meetings. Commercial meetings include luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation. Commercial meetings are regulated as follows:
 - (1) In the single-dwelling zones, commercial meetings are prohibited;
 - (2) In all other zones, up to 24 commercial meetings per year may be approved as part of a conditional use review. The maximum number of visitors or guests per event will be determined through the conditional use review. Adjustments to the maximum number of meetings per year are prohibited.
 - b. Historic landmarks. A historic landmark that receives special assessment from the State, may be open to the public for 4 hours one day each year. This does not count as a commercial meeting.
 - c. Meeting log. The operator must log the dates of all commercial meetings held, and the number of visitors or guests at each event. The log must be available for inspection by City staff upon request.

COMMENTARY

No changes proposed.

9. Appearance. Residential structures may be remodeled for the development of an accessory short-term rental. However, structural alterations may not be made that prevent the structure being used as a residence in the future. Internal or external changes that will make the dwelling appear less residential in nature or function are not allowed. Examples of such alterations include installation of more than three parking spaces, paving of required setbacks, and commercial-type exterior lighting.
10. A Type B accessory home occupation is prohibited with a Type B accessory short-term rental.

33.207.060 Monitoring

All accessory short-term rentals must maintain a guest log book. It must include the names and home addresses of guests, guest's license plate numbers if traveling by car, dates of stay, and the room assigned to each guest. The log must be available for inspection by City staff upon request.

33.207.070 Pre-Established Bed and Breakfast Facilities

- A. Facilities without a revocable permit.** Bed and breakfast facilities that were operating before May 24, 1988, and which did not receive a revocable permit, may continue to operate as an approved conditional use if the operator can show proof that the operation was established through City licensing. The requirements for verification are listed below.
 1. The facility was operating with a City business license or was granted exemption from the business license requirement;
 2. City transient lodging taxes were paid part or all of the tax period preceding May 24, 1988; and
 3. The owner or operator can document that the Portland Bureaus of Planning or Buildings approved the site for a bed and breakfast facility prior to purchase, construction, or remodeling of the facility.
- B. Alterations and Expansions.** The approved conditional use status provided for in Subsection 070.A applies only to the number of bedrooms and size of facility that existed on January 1, 1991. Any expansions of building area or alterations that increase the intensity of the facility are not allowed unless approved through a conditional use review as provided in Section 33.207.050.A.2.
- C. Facilities with a revocable permit.** Bed and breakfast facilities operating under approved revocable permits are subject to the regulations for revocable permits in 33.700.120, Status of Prior Revocable Permits.