

# Summary of RICAP 6 Proposed Bed and Breakfast (B&B) Regulations

Discussion Draft, January 6, 2014

|                                      | 1 and 2 Bedrooms   | 3 to 5 Bedrooms  |
|--------------------------------------|--|--|
| <b>Process</b>                       | Allow by-right with an over-the-counter permit. Proposals introduce a permit process for 1- and 2-bedroom bed and breakfast (B&B) facilities as an alternative to the existing Conditional Use Review. Estimated fee for new permit: \$150.  | Continue to allow 3 to 5 bedroom B&B facilities through a Conditional Use Review.<br>Type II Conditional Use Review: <ul style="list-style-type: none"> <li>Administrative decision. Appealable to Hearings Officer</li> <li>Eight to 10 week process</li> <li>Fee: \$4,130</li> </ul> Type III Conditional Use Review for all B&B facilities with commercial meetings: <ul style="list-style-type: none"> <li>Pre-application required</li> <li>Decision by Hearings Officer; appealable to City Council</li> <li>Four to six month process</li> <li>Fee: \$9,356 - \$16,047</li> </ul> |
| <b>Required Notice</b>               | Operator sends a notice, including their contact information, to all recognized organizations and owners of property abutting or across the street from the residence.   | Public notice sent to property owners and recognized organizations within: <ul style="list-style-type: none"> <li>150 ft for Type II Conditional Uses; and</li> <li>400 ft for Type III Conditional Uses.</li> </ul>   |
| <b>Accessory to Household Living</b> | Allowed as accessory to Household Living use. This means that the individual or family who operates the b&b must occupy the unit as their primary residence. This can be a house, apartment or condominium.  |  |
| <b>Number of Guests</b>              | 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, legal adoption or guardianship, plus not more than five additional persons, who live together in one dwelling unit ..."              | No zoning code maximum on number of occupants. Maximum number can be set through the Conditional Use Review.   |
| <b>Accessory Dwelling Units</b>      | Operator can live or rent rooms in an Accessory Dwelling Unit (ADU). ADUs can be a detached structure or within the primary structure.   |  |
| <b>Age of Structure</b>              | There is no minimum age of structure requirement.  | Current regulations require the building to be at least five years old.  |
| <b>Employees</b>                     | No nonresident employees without conditional use review.<br>Allowed to have hired service for normal maintenance of the residence or site, such as yard maintenance and housecleaning.   | Allow nonresident employees for activities such as booking rooms and food preparation. Maximum number and activities of nonresident employees can be set through the conditional use process.  |
| <b>Commercial Meetings</b>           | No commercial meetings without Conditional Use Review.   | Commercial meetings: <ul style="list-style-type: none"> <li>Allowed in multi-dwelling zones through a Type III Conditional Use</li> <li>Prohibited in single-dwelling zones</li> </ul>   |
| <b>Private Social Gatherings</b>     | Operators of bed and breakfast facilities are limited to 12 private social gathering (meetings, parties) with more than eight visitors per year. These events must be hosted by and for the enjoyment of the operators. Operator must keep log of these events with number of people who attended. |  |

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# Short-term Rentals

## Providing flexibility for homeowners and certainty to neighbors



Recently, there has been a dramatic increase in the number of houses, apartments, and condominiums being rented informally on a short-term basis (fewer than 30 days) through Internet sites such as Airbnb and Home Away. In Portland, Airbnb has the largest concentration of listings: over 1,300 today (up from 107 in January 2011). The most common listings are from hosts who live on their property and offer a bedroom for rent in their home. This is a new way of providing visitor lodging accommodations and Portland, like many cities, is determining how to regulate these short-term rentals.

The amendments to *Chapter 33.212 Bed and Breakfast Facilities* create a new bed and breakfast permit that will allow renting one to two bedrooms in a house, apartment, or condominium where the operator lives as their primary residence. Currently, the zoning code requires

a conditional use review for all bed and breakfast facilities regardless of their size. The proposed permit process offers smaller scale bed and breakfast facilities a less expensive and faster process, while ensuring that the adjacent neighbors are notified of the activity. Three-to-five bedroom bed and breakfast facilities will continue to require a conditional use review.