



ZONING CODE

INFORMATION GUIDE

Type B Accessory Short-Term Rental

What Is An Accessory Short-Term Rental?

An Accessory Short-Term Rental (ASTR) is where an individual or family resides in a dwelling unit and rents bedrooms to overnight guests for less than 30 days. The word “accessory” in the title emphasizes that the primary use of the residential dwelling is long term occupancy by a resident, and only a part of the dwelling unit is used for short-term rental purposes. The regulations allow ASTRs in a dwelling unit as long as there continues to be a long-term resident who occupies the dwelling unit for at least 270 days each year. Bedrooms in legal detached accessory structures can also be rented to overnight guests.



There are two types of ASTRs, each with a specific permitting process:

- **Type A Accessory Short-Term Rentals** allow the resident to rent no more than 2 bedrooms to overnight guests. A Type A Accessory Short-Term Rental Permit is required.
- **Type B Accessory Short-Term Rentals** allow the resident to rent between 3 and 5 bedrooms to overnight guests. A Conditional Use Review approval is required.

Each accessory short-term rental type (above) has unique requirements based on the number of bedrooms and structure type. The rest of this handout addresses Type B ASTRs.

Residency Requirement

The Zoning Code defines the following terms in the ASTR chapter:

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.

The resident of the dwelling unit which contains an ASTR must reside in the dwelling unit at least 270 days of each year. Renting entire dwelling units on a short-term basis without a long-term resident occupying the structure at least 270 days a year is not allowed in residential zones.

There are no limitations to the number of nights the bedrooms may be used as short-term rentals. However, there is a maximum of 95 days per year when the resident does not need to be present with the overnight guests. The maximum number of bedrooms rented for Type B ASTRs is limited to five, but this number will be established through the Conditional Use process.

Residency Requirement (cont.)

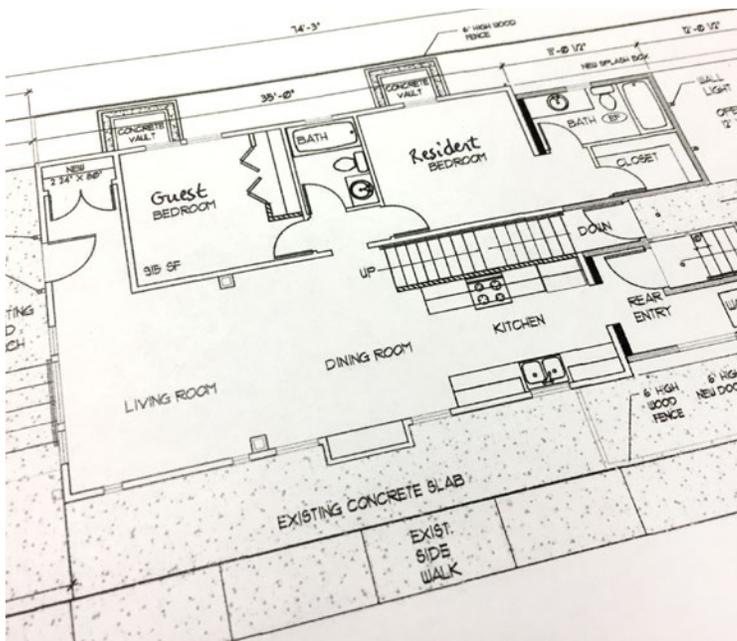
Residency is verified by the applicant providing a copy of an Oregon Driver's License or Oregon Identification Card showing the subject site as the residence address. Land Use Services staff may ask for additional documentation as needed such as a long-term lease or utility records. On sites with an Accessory Dwelling Unit (ADU), residents may reside in either the primary dwelling unit or the ADU. It should be clear on the floor plans submitted which bedroom is the resident's, and whether it is rented out as well when the resident is not home.

The applicant for a Type B ASTR must be the resident of the dwelling unit. If the application is coming from someone who does not live at the site, the resident must designate in writing the person who may apply for the review on their behalf.

Submittal Requirements

Along with the land use review application, an applicant for a Type B ASTR is required to submit additional information about the short-term rental proposal so the planner understands the full proposal and can determine whether the proposal could meet the approval criteria. If the following is not submitted in the initial application packet, the assigned planner will likely request it after the completeness review.

- **Project Description.** Tell us about your proposal. How many bedrooms are you intending to rent out short-term? Are there any circumstances regarding residency, frequency of rentals, existing code compliance cases we should know about?



- **Plans.** The application for Conditional Use Review should include a scaled site plan and floor plans. The site plan should identify the location of the primary dwelling unit, any detached accessory structures, onsite parking, fencing, and landscaping. Hand-drawn plans are acceptable if readable and clear. Please dimension your site plan so that distances from development to the property lines, length of the driveway, and other features are called out clearly. Floor plans should identify the bedrooms to be used for the proposed ASTR and the bedroom(s) for the resident(s). If changes are proposed to the outside of the house, a front building elevation is also required. Otherwise, site and building photos are useful to help the assigned planner understand the context.

- **Narrative Responding to Approval Criteria.** Part of applying for any land use review is demonstrating through a written narrative how the proposal meets the applicable approval criteria. The criteria that apply to Type B Accessory Short Term Rentals are from the Conditional Use chapter of the Zoning Code, specifically Section 33.815.105, Institutional and Other Uses in Residential Zones. The criteria are listed in the next two pages, with some guidance on how to respond to each one.

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Criterion 33.815.105.A: Proportion of Household Living uses.

The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:

1. The number, size, and location of other uses not in the Household Living category in the residential area; and
2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

Tips to consider: The “residential area” referenced in this criterion is typically the **residentially zoned** area within 2-3 blocks of the site, taking into account relevant barriers (highways, water, busy roads, change to commercial zoning). Within this area, list and discuss “non-residential” uses like churches, schools, or other institutional uses, and any businesses. We will also consider the concentration of other ASTRs in the identified residential area. Please note that, in order to meet this approval criterion, limits may need to be imposed on bedrooms or number of guests.

Criterion 33.815.105.B – Physical Compatibility

1. The proposal will preserve any City-designated scenic resources; and
2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, tree preservation, and landscaping; or
3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, tree preservation, and other design features.



Tips to consider: The proposal must be compatible with adjacent residential development OR must mitigate differences in appearance or scale through increased building setbacks, screening, landscaping, etc. Identify whether changes to the building or site are proposed as part of the proposal.

Criterion 33.815.105.C – Livability

The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

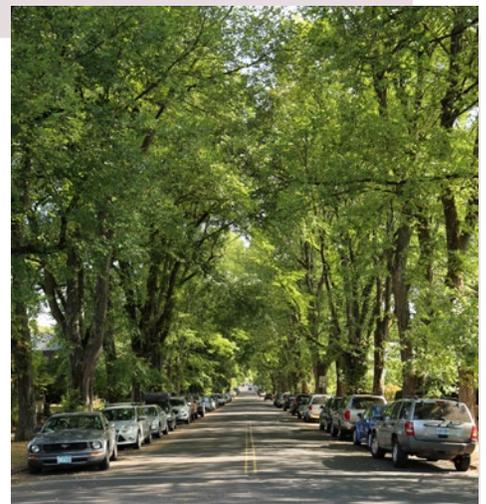
1. Noise, glare from lights, late-night operations, odors, and litter; and
2. Privacy and safety issues

Tips to consider: In order to address this approval criterion, provide house rules identifying how livability impacts on adjacent and nearby neighbors will be addressed or prevented. Sample topics include arrival/departure times and process, maximum occupancy, allowed activities, parking, pets, smoking, use of exterior spaces, etc. Screening of outdoor areas may also be required.

Criterion 33.815.105.D – Public Services

1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;
2. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - b. Measures proportional to the impacts of the proposed use are proposed to mitigate on-and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;
 - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;
2. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

Tips to consider: Criteria D.1 and D.2 address the city’s transportation system and the Transportation Element of the Comprehensive Plan. In order to adequately respond to these criteria, the Bureau of Transportation (PBOT) requires a professionally-prepared analysis from a licensed traffic consultant including a traffic and parking analysis, and a transportation demand management plan. PBOT must work with your traffic engineer to scope the study **prior** to the analysis. PBOT has a web page with links to the Traffic Scope Approval Form and the associated ASTR Traffic & Parking Study Scope Form, both of which are to be submitted to PBOT **prior** to submitting the Conditional Use Review application: www.portlandoregon.gov/Transportation/74543.



Criterion 33.815.105.E – Area Plans

The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

Tips to consider: Identify which, if any, adopted neighborhood plans are in effect. A map of adopted area plans is available at www.portlandoregon.gov/bps/article/146043. The plans themselves are available in the Bureau of Planning and Sustainability Documents Library, Area Plans section: www.portlandoregon.gov/bps/34248. Review the plans and identify the policies that are relevant to the proposal, and then discuss these policies in the narrative.

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- **Other Submittal Requirements.** As mentioned above in the approval criteria discussion, information like a set of house rules and a professionally-prepared transportation impact study will be required in order to process the land use review application. The assigned planner may also request additional information, photos, or other information in order to determine that all ASTR development standards can be met, or to answer questions that arise during the review.

Issues To Consider

- **Neighborhood Feedback.** Neighbors sometimes have concerns about short-term rentals taking place near their homes. To the extent possible, speaking with neighbors within 150 feet of the site before notice of the proposal is mailed can build trust and address concerns. If neighbors respond to the mailed notice with concerns, you will have an opportunity to respond before the planner issues a decision.
- **Conditions of Approval.** Conditional Use approvals usually require conditions of approval in order to limit or manage impacts the operation could have on the community. These can range from implementation of the proposed house rules and transportation demand management plans, to requiring a local contact to be available to neighbors in case there are noise or other complaints. The planner assigned will discuss any potential conditions of approval prior to issuing the decision.
- **Required Alterations.** In order for the proposal to meet the approval criteria, alterations may be required to your site, including things like landscape screening, lighting, or fencing. The planner assigned will discuss any potential alterations that may be necessary prior to issuing the decision.
- **No Guarantee of Approval.** Not everyone gets approval for exactly what they request. Not all proposals can meet the approval criteria as proposed. The planner assigned may discuss changes to the proposal that are required to meet the approval criteria, or deny the proposal altogether.
- **Right to Appeal.** The Type II Conditional Use Review is a discretionary review process. The applicant, neighbors, neighborhood association, or other interested party can appeal the planner's decision or conditions of approval to the City Hearings Officer. The Hearings Officer will hold a public hearing and accept additional testimony and evidence, then render a final local decision.

What Happens After Conditional Use Approval

What is the Type B Inspection process?



If the Conditional Use Review is approved, you will be required to complete a site inspection to verify the bedroom requirements of Zoning Code Section 33.207.050.B.4 are met prior to operating the accessory short-term rental on the premises. You will need to submit a Type B Residential Fee Paid Inspection Form (www.portlandoregon.gov/bds/article/266804) to complete the required bedroom inspection. The Type B Residential Fee Paid Inspection fee can be found at www.portlandoregon.gov/bds/article/67128. If a BDS inspection verifies that the required interconnected smoke detectors and carbon monoxide alarms were not installed at the time of the initial inspection,

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an additional reinspection fee will be assessed to verify compliance after the necessary corrections. To learn more about the inspection requirements please see What is the Inspection Process – Type A – 1&2 Dwelling Structure (www.portlandoregon.gov/bds/article/518138). This page applies to Type B inspections as well, however, all type B ASTRs require a BDS inspection.

You may submit a Type B Residential Fee Paid Inspection form either by mail or in person.

By Mail: Type B Residential Fee Paid Inspection form with check (payable to City of Portland) to:
Bureau of Development Services
Property Compliance Division
1900 SW 4th Avenue, Suite 5000
Portland, OR 97201

In Person: Type B Residential Fee Paid Inspection form and payment may be submitted in person. Please note that payment with credit card or cash must be made in person at the Development Services Center (DSC), on the first floor of 1900 SW Fourth Ave. Please check our DSC Business Hours and Service Availability webpage (www.portlandoregon.gov/bds/dsc) before visiting the DSC.

What ongoing records or actions must I complete to remain in compliance with my ASTR permit?

As part of the management of a Type B Accessory Short-Term Rental, operators are required to keep and maintain a guest log book that includes the names and home addresses of guests, guests' 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.

Keep your business license for your accessory short-term rental business current with the City of Portland Revenue Bureau and collect transient lodging taxes (occupancy tax) from your overnight guests and remit these taxes to the City of Portland. For more information contact the City of Portland Revenue Bureau at www.portlandoregon.gov/revenue.

What happens if I am noncompliant with my Conditional Use land use review approval?

Citations with civil penalties of \$1,050 - \$5,250 may be issued for violations of Chapter 33.207 or an approved land use review.

Am I responsible for my short-term rental tenant's behavior?

As a resident, either the property owner or a tenant, it is expected that you will manage your accessory short-term rental so that guests will be respectful of the neighborhood in which you live and be courteous to your neighbors. Livability concerns related to noise (cars, rolling luggage, music), late night activity by your overnight guests, and street parking are some of the livability issues that should be addressed if brought up as a concern. Addressing these types of livability concerns will help ensure the success of the ASTR.

For more information visit or call the Planning and Zoning Staff in the
Development Services Center at 1900 SW 4th Avenue, Suite 1500, 503-823-7526
Current Zoning Code is available at www.portlandoregon.gov/zoningcode

Information is subject to change.

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