

Homestay Lodging and Short-term Rental Policy Frequently Asked Questions (FAQ)

Astoria only allows “vacation rentals” in commercial zones, such as hotels/motels. This helps prioritize housing stock in residential areas for long-term residences, and limits the number of second homes in town that can often remain vacant. The City has policies that allow specific short-term rentals, such as “AirBnB” options.

Common terms to understand homestay lodging (Development Code Section 1.400)

- Homestay Lodging: *a tourist accommodation with no more than two bedrooms available for transient rental, and which is owner occupied. Such facilities may or may not provide a morning meal.*
- Hotel/Motel: *a building in which lodging is provided for guests for compensation.*
- Accessory Dwelling Units (ADU) *An accessory dwelling unit is one additional subordinate or auxiliary living unit in an existing large, older house. A dwelling with an accessory dwelling unit is distinguished from a duplex by the retention of the appearance as a single-family dwelling. (Added by Ordinance 04-10, 11/1/04).*
- Bed & Breakfast: *any transient lodging facility which contains between three and seven guest bedrooms, which is owner or manager occupied, and which provides a morning meal.*

What about AirBnB and VRBO?

These are advertising platforms used for listing short-term rentals or vacation homes. Many people list their rentals on these sites, but they must meet the City codes and requirements. Not all listings are legal rentals.

What does Astoria allow for short term rentals?

Astoria allows homestay lodging and bed & breakfast establishments under certain conditions and in particular zones. The following must be addressed for each establishment:

1. The home must be owner-occupied, and owners must be on-site when they have guests/renters
2. Owners must submit transient lodging taxes with the City’s Finance Department
3. Owners must submit a business license prior to advertising or having guests/renters
4. The site must meet off-street parking requirements

Where is homestay lodging allowed?

| Short Term Rentals | Permitted Zones | Bedrooms | Notes |
|-----------------------------------|----------------------------------|--------------|--------------------------------------|
| Homestay Lodging | R-1 (Conditional Use), R-2, R-3 | 1-2 bedrooms | Owner occupied |
| Bed & Breakfast | R-2/R-3 Conditional Use | 3-7 bedrooms | Owner or manager w/ breakfast served |
| Motels, Hotels, & Bed & Breakfast | Commercial Zones only | No limit | No owner occupied requirement |

How much parking is required? What is off-street parking?

One space per bedroom in addition to two spaces required for the single family dwelling. These spaces must be “off-street”-located within the property boundary (in a driveway, or garage). Parking spaces must be 9.5’ x 20’ or 8.5’ x 16’ for compact cars. “On-street” spaces cannot count towards meeting the parking requirement



Are variances granted to meet the parking requirement? Variances to parking standards may be allowed but must meet requirements outlined in codes 7.062 and/or 12.404.

Can I have an accessory dwelling unit and homestay lodging on the same property? As of January 2017, both are permitted in certain residential zones. There is a proposal that will prohibit homestay lodging in ADUs. The City Council is expected to review the proposal in 2017.

What else do I need to do to operate a homestay lodging facility?

Meet with City Staff to verify adequate off-street parking and zoning. Then pay the business license fee, and set up transient tax submission with the Finance department.

Do I need a business name for my homestay lodging?

No. This is optional. Some homeowners choose to set up the homestay as a separate business entity from the household.

Will AirBnb collect and distribute motel taxes on behalf of a client?

The City is working with AirBnb to do just that. However, until such time an agreement is reached, homeowners are responsible for collecting and remitting motel taxes to the City’s Finance Department.

Do I have to notify my neighbors to operate homestay lodging?

If the proposal is a conditional use, public notice is sent to neighbors and a public hearing is scheduled. Otherwise, it’s voluntary, but strongly encouraged to notify immediate neighbors to prevent potential conflicts.

Does the City require or offer a safety inspection program? The City does not require a safety inspection program. However, the Astoria Fire Department (503-325-2345) can do voluntary inspections to verify smoke/carbon monoxide detectors, fire extinguishers, proper egress, tsunami maps, and first aid.

Who do I contact if I have questions?

Community Development Department
1095 Duane Street Astoria, OR 97103
(503) 338-5183 planning@astoria.or.us

VACATION RENTALS (LIMITED USE PERMIT)

Summary

A Vacation Rental (VR) is a dwelling unit, including either a single-family home, townhome, condominium or apartment that is rented for the purpose of overnight lodging for a period of not less than 1 day and not more than 30 days. The first step in obtaining approval to operate a VR is to obtain a Limited Use Permit (LUP) for the property. This summary sheet is an overview of the requirements and process for obtaining an LUP.

VRs are a commercial use of a residential property and VR operators must maintain compliance with all the applicable standards in the City of Durango's [Land Use and Development Code](#) and other applicable municipal code provisions.

VRs are allowed as a limited use in certain zones in the City of Durango. They are allowed in the EN-1, EN-2, EN-MF, RM, RH, CB, MU-N, MU-A, and some PD zones. VRs cannot operate outside of the zones listed above. You can find the zoning district for the property you are interested in by viewing the City's [online zoning map](#).

In the residential zones, an LUP can be granted to only one VR per street segment. If a permit is issued for a corner lot, both street segments that abut that corner lot and all the lots that abut the intersection become ineligible for a vacation rental LUP. A second VR may be allowed on a street segment with a Conditional Use Permit if it meets certain, specific criteria.

A total of 22 VR permits are allowed in EN-1 and a total of 17 VR permits are allowed in EN-2. There is no density cap in the other zones,

Applicable Sections of Code

[Division 2-1-3: Use/Zone Matrices](#)

[Sec. 2-2-3-4 Standards for Transient Residential Land Uses and Overnight Accommodations](#)

[Division 6-3-3: Standard Development Approval Procedures](#)

Note: A proposed limited use such as a vacation rental must meet all the requirements of the LUDC. The sections of the LUDC listed above are the most relevant sections, but the list is not exhaustive.

Fee & Required Materials

The application fee for a Vacation Rental LUP is \$750.

The following materials are required as part of a complete application for a Vacation Rental LUP.

1. A completed [Land Use Application](#).
2. Fee.
3. A list of all property owners and mailing addresses within a 300-foot radius of the subject property.
4. A written Narrative describing the proposal and how it meets the VR requirements. The narrative must include: local contact person/property manager details, occupancy limits, and the number and location of parking spaces provided.
5. A scaled site plan showing parking spaces, access to the unit, trash/recycling bin locations, and other relevant information.
6. A scaled floor plan showing the layout of the unit, dimensions of all bedrooms, the location of the fire extinguisher, and other relevant information.
7. Any additional materials, which in the opinion of the Administrator, are necessary to adequately review the application as determined by the Staff within five (5) working days of application.

VACATION RENTALS *(LIMITED USE PERMIT)*

Procedural Summary

Within five (5) days of receiving a complete Vacation Rental LUP application, City staff will post a notice on the property for fourteen (14) days containing information about the proposed use. Staff will also send letters to property owners within 300 feet of the lot for which application is being made. During this posting and public comment time, City staff will conduct a site visit and building inspection of the property. City staff will review the proposal according to the requirements of the LUDC. City staff will approve, approve with conditions, refer to the Planning Commission, or deny the application, within thirty (30) calendar days of the date that the application is filed, unless a longer period is agreed to by the applicant.

If the application is denied by City staff, the applicant may appeal the denial to the City's Planning Commission. If the application is referred to the Planning Commission, and the Planning Commission denies the application, the applicant may appeal the Planning Commission's denial to City Council.

Additional Information

Vacation Rental LUPs require additional licensing from the City Clerk, such as a sales tax licensing, business licensing, etc. It is the responsibility of the applicant to secure all necessary licenses and keep them current. Other uses, besides a residence, are not allowed concurrently with a VR.

In order to enhance enforcement of illegal vacation rentals, all advertisements for an approved vacation rental unit must clearly display the permit number issued for that unit. Failure to display the permit number is grounds for revocation of the permit.

VR permits are not transferable to any other person or legal entity. The VR permit shall be terminated automatically upon the sale or change of ownership of the property for which a permit has been issued.

In most cases, one (1) off-street parking space must be provided for each bedroom in a VR. In commercial zones, off-site parking can be leased and in the CB zone the number of off-street spaces required is reduced by one (1) for units that have three (3) or more bedrooms.

VRs in mixed-use buildings are not required to comply with the requirement that physical separation be provided between residential and commercial uses provided that the Applicant submits documentation showing they have distributed contact information for the local contact person to all unit owners and tenants in the building.

Vacation rentals are only allowed in PD zones which specifically list vacation rentals as an allowed use by the PD Agreement. If the PD Agreement which governs the PD zone does not specifically list vacation rentals as an allowed use, the PD must be amended, but prior to application for a PD Amendment, written consent to allow vacation rentals must be obtained from a two-thirds majority of the property owners within the planned development, and the affected property owners may request the establishment of criteria and procedures to review the proposed vacation home rental. New PD Agreements and any PD Amendments allowing vacation rentals shall contain a specific number of units that are allowed to be used in that development as vacation rentals.

Contact Information

Questions and other inquiries can be directed to the City of Durango Community Development Department—Planning Division at (970) 375-4850 or by visiting River City Hall at 1235 Camino del Rio (Durango, CO) during normal business hours.

Lincoln City – Roads End

In the R-1-RE (Roads End Residential) zone, all existing licensed vacation rentals and those with complete applications as of November 23, 2017 are allowed to continue as legal non-conforming uses without limits on the number of nights they may be rented, as long as the licenses are kept current and meet all regulations. These properties may also be sold for a period of seven years from November 23, 2017 without loss of the non-conforming status.

If you are buying a home in Roads End that is not currently a VRD, it must meet all land use standards (parking, landscaping, etc.) and will be limited to "accessory use" (no more than 30 rental nights per year).

Manzanita

A City license is required to rent a dwelling for less than 30 days at a time. A person may be issued only one short term rental license.

The owner of the dwelling may apply for a short term rental license by completing the application form (see Related Information in sidebar) and submitting the \$75 application fee which includes the initial Fire & Life Safety Inspection and one follow-up inspection.

Upon approval of the dwelling by the Building Official, the owner of the dwelling may be issued a short term rental license.

The number of short term rental licenses is limited in the R-2, R-3 and SR/R zones to 17 1/2 % of the total number of dwellings within those zones. For a dwelling inspection approved by the Building Official which is within the R-2, R-3 or SR/R zone, the owner of the dwelling may need to be placed on a waiting list until a license becomes available. For dwellings in zones other than R-2, R-3 and SR/R, the permit is issued upon payment of the \$250 annual license fee.

The short term rental license lapses upon sale of the property or upon failure to submit the required short term rental annual license fee of \$250 or upon failure to submit the required quarterly transient lodging tax reports.

Short Term Rental Regulations Summary

Updated September 2017

Primary goal

Balance the economic opportunity created by short-term rentals with the need to maintain supply of long-term rental housing stock available at a range of prices.

Secondary goals

- A) Ensure a level playing field for individuals and companies in the short-term rental market and
- B) Protect the rights and safety of owners, guests and neighbors of these units.

Definitions

- “Short Term Rental” is a booked stay of 29 consecutive nights or fewer
- “Long Term Rental” is a booked stay of 30 consecutive nights or more (these stays are excluded from an operator’s cumulative Short Term Rental nights total)
- “Operator” is the rental host
- “Platform” is the online company that facilitates the rental (Airbnb, VRBO, etc.)

Basic Regulatory Framework

Requires a new **Short Term Rental Operator’s license** in addition to a business license. Limited to 2 dwelling units. *

*Existing STR operators will be exempt from these limits, for the continued operation of existing short-term rental units in specific areas within the Downtown, South Lake Union, and Uptown Urban Centers and for certain building types in the First Hill/ Capitol Hill Urban Center;

Requirements of a Short Term Rental Operator License

- include the license number on any listing advertising or soliciting the property for use as a short-term rental
- a local contact number for guests,
- a signed declaration that the unit is up to code,
- basic safety information posted for guests in the unit, and
- annual license fee, per unit, of \$75.

Requirements of a Short Term Rental Platform License

- to provide information about Seattle’s regulations to operators using the platform,
- provide booking services only with operators who have been issued a short-term rental operator’s license, and
- share basic data with the City on a quarterly basis, including
 - the total number of short-term rentals listed on the platform, and
 - the total number of nights rented through the short-term rental platform
- quarterly license fee based on the total number of nights booked on the platform,
- requires a new Short Term Rental Platform’s license in addition to a business license.

Operating a Vacation Home in Yachats

A vacation rental license shall be issued to the dwelling owner providing the following standards are met:

A. Except for individual units located on the same property, such as a duplex or triplex as defined above in Section [4.08.020](#), a person holding a vacation rental license or an interest in a property covered by a vacation rental license shall not be eligible to apply for or hold, as a member of a group or any other form of beneficial ownership, a vacation rental license covering any other property. Any change of ownership, in whatever form, shall be reported to the city within 30 days.

B. Vacation rentals in residential zones shall have no more than four bedrooms. (This provision shall be waived for any existing vacation rental as of the effective date of Ordinance No. 328, adopted November 13, 2014.)

C. A rental facility should comply with all applicable laws. Basic visitor rules as provided by the city must be prominently displayed on the inside of the primary exit door.

D. The local contact person shall reside or maintain an office within the local 547 or 563 calling area and within the zip code boundaries for Yachats and Waldport. The contact information for the local contact shall be identified on the vacation rental application and available by phone at all reasonable times (8:00 a.m. to 11:00 p.m.) and respond in a timely manner if there is a problem during the dwelling's use as a vacation rental. The name and phone number of the contact person shall be posted inconspicuously on the vacation rental building, but where a neighbor can easily read it. A copy of the local contact agreement, in a form approved by the city, which lists the duties and responsibilities of the local contact person, signed by both the property owner and the local contact person or management company shall be filed with the city. The form for the local contact agreement is attached and marked "Exhibit E". If the vacation rental is managed by a property management company a local contact shall be designated by the company. The name and contact information of that local contact shall be identified on the vacation rental application in addition to the company information.

E. One on-property parking space, as defined in Section [9.04.030](#) for off-street parking, shall be provided for each bedroom in the dwelling, but in no event shall fewer than two spaces be provided. (This provision shall be waived for any existing vacation rental as of the effective date of Ordinance No. 226, adopted 1/15/2002.) If access to the rental property crosses private property via an easement, right-of-way, or other conveyance all parking must be contained on the rental property. Owners are required to provide parking that is unimpeded, surfaced, useable and available to renters. The parking shall be mapped and posted in the home, and a copy given to the city. The owner shall require renters to use only the parking spaces that are surfaced and marked on the map.

F. The maximum number of overnight vehicles allowed on the property shall not exceed the number of surfaced parking areas on the property or six vehicles, whichever is less. Daytime parking is limited to surfaced parking on the property. If access to the rental property crosses private property via an easement, right-of-way, or conveyance, ingress and egress must be accomplished without encroachment on other properties adjoining the privately maintained access road or driveway. In such situations applicants will provide evidence of their right to use the privately maintained access road or driveway consistent with vacation rental before a vacation rental license is granted.

G. There shall not be any noise, litter or odor noticeable at or beyond the property line resulting from the use of the dwelling as a vacation rental.

H. The maximum allowable number of overnight occupants shall be two persons per sleeping area plus two additional persons per vacation rental. The rental agent shall match the number of persons and vehicles to the particular property being rented. Advertisements for the rental shall not list a number of occupants that exceeds the number authorized by the city.

Recreational vehicles, campers, tents and similar structures shall not be allowed on vacation rental properties. Parking a boat trailer of moderate size, with or without a boat, is permitted as a substitute for one vehicle.

I. Weekly solid waste collection service shall be provided. A sufficient number of suitable garbage receptacles shall be provided. Except on collection day, these garbage receptacles shall not be readily visible from the street. Renters shall be advised not to place trash outside in plastic bags.

J. Each vacation rental shall provide and maintain a container for the disposal of cooking grease into a solid waste receptacle to prevent the grease from entering the sewer system.

K. All pets must be under control at all times. Methods of control include a leash or demonstrated effective voice command. The person having the control, custody or possession of a dog shall clean up after the dog by using a dog waste bag or other suitable method.

L. Vacation rental licenses are non-transferable.

M. The licensee must comply with the requirements of the occupancy tax ordinance as a condition for issuance or renewal of a vacation rental license.

N. Licensees shall keep all information on the GoYachats website current and notify City Hall of any changes in mailing address, email address or agent or contact person.

Applications for a vacation rental license are done online. Prior to issuance of a vacation rental license, the city will inspect the subject property to determine occupancy capacity, parking and access compliance. Upon receipt of the completed application, the annual license fee, inspection and attestation that the licensing standards have been met, the city shall issue a license to the applicant (not the dwelling) for a period of one year. The license may be renewed annually if all standards are met. If a license is renewed annually until at least five consecutive years have elapsed the city will re-inspect before issuing a license for the next year. The city retains the right to re-inspect the property at any time. An inspection fee will be assessed for the initial inspection, for additional inspections undertaken due to complaints, and for each five-year inspection completed by the city. A vacation rental licensee shall not be required to pay a business occupation license fee in addition to the annual license fee. The annual license and inspection fees shall be set by resolution of the city council.

Complaints received by the city may trigger a re-inspection.

All licenses shall be obtained prior to any rental of the property. The required application and license fee are due on January 1st of each year for the fiscal year commencing with that date and are delinquent on February 1st. The delinquency fee will be set by resolution.

Apply for License [here](#)

Yachats Vacation Rental (VR) Information

Revised 9/14/2017

- ❖ The city council finalized the ordinance approval process Sept. 13, 2017. A copy of the approved ordinance can be found in the document library: https://yachatsoregon.org/Documents/Download/ORD_347-Amend_YMC_Ch-4-08.pdf

The following information is in response to a number of questions that have been raised.

- ✦ The city council voted Sept. 6th to accept all the recommended VR changes except the requirement for professional property managers to handle all VRs.
- ✦ The VR ordinance changes go into effect October 15th.
- ✦ Existing VR license holders will be allowed to retain their licenses as long as they renew them at the end of each year in a timely manner.
- ✦ There is no property right to operate a business (vacation rental) in a residential zone. That is generally what zoning is designed to regulate. Yachats has chosen to use a business license process instead.
- ✦ VR rules about parking only apply to vacation rentals.
- ✦ No city council member has any interest or financial involvement in vacation rentals.
- ✦ Failure to main current and accurate owner phone numbers, e-mail addresses will result in the loss of a VR license.
- ✦ Property owners and their guests have to abide the same restrictions for parking
- ✦ Oregon law stipulates that 70% of the VR tax is dedicated for visitor amenities. The council has defined a portion of library services, trails construction & maintenance, parking, and event marketing as examples of services eligible for visitor amenities funding. State law specifically excludes city infrastructure like water, sewer and streets improvements from this funding source.
- ✦ Looking at the number of VR licenses as a percent of population finds Newport at 1.29% (135/10,393); Lincoln City at 5.42% (473/8,722) and Yachats at 21% (145/700).
- ❖ After October 15, 2017, no new licenses will be awarded until the number of licenses drops below 125 which is the new cap.
- ❖ Yachats has never allowed vacation rental licenses to be transferred when property has sold. The approved ordinance does not change that restriction.
- ✦ The city has exceeded the minimum requirements for public notification including a well attended public meeting where over 70 people attended on July 12th in Commons multi-purpose room.
- ✦ The final licensing fee structure recommendation was the direct result of a written suggestion made by a current VR owner.
- ✦ Vacation rental licenses generated \$13,860 for 2016 while the city spent approx. \$30,000 on VR code enforcement which does not include any administrative staff time for licensing & tax payments or any of the database work to track and manage VR licenses. Current licensing income doesn't come close to paying for related operational costs.

- ◆ A \$300,000 home pays \$53 in taxes a year to the city for general government expenses. A \$500,000 home pays \$85.50. Take a close look at your last property tax statement from Lincoln County. Look for the line that says City of Yachats about half way down the list.
- ◆ The council has authorized the development of a new complaint system to make it easier for citizens to make complaints and to improve monitoring, tracking and reporting of complaint activity. Much of this information will be available to the public.
- ◆ In the State of Oregon, public policy for cities & counties is guided by a multi-step process known as the “Comprehensive Plan”. During the last plan update process, residents were asked a series of questions. The [responses to these questions](#) guide current public policy decisions in Yachats. If you examine the responses link, you will see that Preserving Livability could be interpreted as our highest priority. These questions define both what is important to residents and their relative weighting.
- ❖ The council has authorized a 50 hour per month increase in the level of code enforcement for at least the next two years.
- ❖ City staff are researching all Internet vacation rental including but not limited to VRBO, Home Away, Home To Go, 9flats, AirBnB, Vacation Rentals, Homelidays, FlipKey, HouseTrip, Niumba, Booking, Tripping, Lodgify, Evolve, Tripadvisor, Vacation Home Rentals, Connecting Rentals, Housli, Top Villas, Rentlo, Holiday Lettings, iVacation Rental, and others looking for unlicensed vacation rentals.

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Library link for this document:

https://yachatsoregon.org/Documents/Download/VR_FAQ_responses.pdf