

17.01.060 Definitions. As used in this title, the singular includes the plural and the masculine includes the feminine and neuter. The word "may" is discretionary, but the word "shall" is mandatory. The following words and phrases shall have the meanings given them in this section.

~~BED AND BREAKFAST FACILITY~~ means a single-family dwelling ~~where travelers and/or guests are lodged for sleeping purposes, which conducts transient rental of rooms with or without a morning meal, and for which compensation is paid.~~

~~BOARDING HOUSE, LODGING HOUSE, OR ROOMING HOUSE~~ means a building where the non-transient rental of lodging, with or without meals, is provided for compensation for to over five (5) people. four (4) guests.

DWELLING UNIT means a single unit providing complete, independent living facilities for one (1) or more person, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

GROUP RESIDENTIAL means residential occupancy of dwelling units by groups of more than five (5) persons who are not related by blood, marriage, legal adoption or legal guardianship, and where communal kitchen and dining facilities are provided. Typical uses include the occupancy of rooming boarding houses, cooperatives, halfway houses, and intermediate care facilities.

HOSTED HOMESHARE means the transient rental of a portion of a dwelling while the homeowner is present.

HOSTEL means any establishment having beds rented or kept for rent on a daily basis to travelers for a charge or fee paid or to be paid for rental or use of facilities and which are operated, managed, or maintained under the sponsorship of a non-profit organization that holds a valid exemption from federal income taxes under the federal law. (See ORS 446.310.)

NON-TRANSIENT RENTAL means to rent a dwelling unit or room(s) for compensation on a month-to-month basis, or for a longer period.

RESIDENTIAL OR RESIDENTIAL USE means the occupancy of a dwelling unit living accommodations on a non-transient basis. Uses where tenancy is arranged on a transient basis are not considered residential.

RESIDENTIAL DEVELOPMENT means single-family dwellings, manufactured home, duplexes, triplexes, townhouses, residential condominiums, multi-family dwellings, accessory dwelling units, group residential facilities, and similar structures. In some circumstances the use of residential development for non-residential uses may be approved.

Single-Family Dwelling, Detached (Detached Single Family Dwelling). A detached single-family dwelling unit located on its own lot.

TRANSIENT RENTAL means to rent a dwelling unit or room(s) for compensation on less than a month-to-month basis.

VACATION HOME RENTAL means the transient rental of an entire dwelling unit.

17.03.010 Urban Low Density Residential Zone (R-1)

A. Permitted Uses.

1. Detached single-family dwellings for residential use and accessory structures

~~2. Home Occupations~~

~~3. Manufactured homes for residential use~~

~~4. Mobile home parks~~

~~5. Family day care~~

~~6. Residential care facilities~~

~~7. Transportation facilities pursuant to 17.20.050(A)~~

~~8. Public parks, playgrounds, and related facilities in an approved subdivision, subject to site plan review~~

~~9. Accessory dwelling units~~

7. Accessory uses permitted when accessory to residential use:

a. Accessory dwelling units subject to HRMC 17.23

b. Family day care subject to HRMC 17.04.100

c. Home Occupations subject to HRMC 17.04.100

d. Hosted homeshares and vacation home rentals subject to HRMC 17.04.115

B. Conditional Uses. In the R-1 zone the following uses are allowed subject to the provisions of Chapter 17.06:

1. Planned unit-developments

2. Schools and child care centers

3. Public parks, playgrounds, and related facilities

4. Utility or pumping substations

5. ~~Churches~~ Religious Institutions

C. Site Development Requirements.

1. Minimum Lot Size: The minimum lot or parcel size shall be 7,000 square feet.
2. The minimum requirements for building sites are as follows:
 - a. Per dwelling, unit a minimum of 7,000 square feet.
 - b. A minimum frontage of fifty (50) feet on a dedicated public street.
 - c. A minimum frontage of thirty (30) feet on a public dedicated cul-de-sac.
3. Lot Coverage: Pursuant to 17.04.120

D. Setback Requirements. The minimum setback requirements shall be as follows:

1. No structure shall be placed closer than ten (10) feet from the nearest public right-of-way line of a dedicated public street.
2. Garages that directly face adjacent streets shall be at least twenty (20) feet from the nearest public right-of-way lines of the dedicated public streets. Garages so constructed to not face an adjacent street may be ten (10) feet from the nearest right-of-way line of the dedicated public street. Detached garages so constructed to not face an adjacent public dedicated alley may be five (5) feet from the right-of-way line.
3. Side yard/rear yard.
 - a. No structure shall be placed closer than six (6) feet from the side property line.
 - b. Structures greater than twenty-eight (28) feet in height shall be eight (8) feet from the side property line.
 - c. No structure shall be placed closer than ten (10) feet from the rear property line.
 - d. Projections may not encroach more than three (3) inches for each foot of required yard setback width.

E. Maximum Building Height. Thirty-five (35) feet for all uses except residential ~~uses~~ development; twenty-eight (28) feet for all residential ~~uses~~ development.

F. Parking Regulations.

1. Individual dwelling units shall be provided with at least two (2) parking spaces on the building site, one (1) of which may be within the required front yard setback area.
2. Parking spaces utilizing access from a public dedicated alley may be located within the setback area.
3. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
 - a. New construction
 - b. Change of use
 - c. New or expanded parking area
- G. Signs. All signs shall be in conformance with the sign regulations of this title.

17.03.020 Urban Standard Density Residential Zone (R-2)

A. Permitted Uses.

1. ~~Detached single~~ Single -family dwellings for residential use and accessory structures
2. Duplexes for residential use
3. ~~Home occupations~~
34. Manufactured homes for residential use
5. ~~Bed and breakfast facilities~~
46. Mobile home parks
7. ~~Family day care~~
58. Residential care facilities
69. Group residential, if less than fifteen (15) persons
710. Transportation facilities pursuant to 17.20.050(A)
811. Public parks, playgrounds, and related facilities in an approved subdivision, subject to site plan review
12. ~~Accessory dwelling units~~
9. Accessory uses permitted when accessory to residential use:
 - a. Accessory dwelling units subject to HRMC 17.23
 - b. Bed and breakfast facilities subject to HRMC 17.04.110
 - c. Family day care subject to HRMC 17.04.100
 - d. Home Occupations in accordance with HRMC 17.04.100
 - e. Hosted homeshares and vacation home rentals subject to HRMC 17.04.115

B. Conditional Uses.

1. Planned unit developments
2. Schools and child care centers
3. Public parks, playgrounds, and related facilities
4. Utility or pumping substations
5. ~~Churches~~ Religious institutions
6. Townhouse projects for residential use

C. Site Development Standards. The minimum lot or parcel size shall be 5,000 square feet. The minimum requirements for building sites are as follows:

1. Per dwelling unit or duplex, a minimum of 5,000 square feet.
2. Per townhouse building, a minimum of 2,100 square feet.
3. A minimum frontage of fifty (50) feet on a dedicated public street.
4. A minimum frontage of thirty (30) feet on a dedicated public cul-de-sac.
5. Lot Coverage: Pursuant to 17.04.120

D. Setback Requirements. The minimum setback requirements shall be as follows:

1. No structure shall be placed closer than ten (10) feet from the nearest public right-of-way line of a dedicated public street.
2. Garages that directly face adjacent streets shall be at least twenty (20) feet from the nearest public right-of-way lines of the dedicated public streets. Garages so constructed to not face an adjacent street may be ten (10) feet from the nearest right-of-way line of the dedicated public street. Detached garages so constructed to not face an adjacent public dedicated alley may be five (5) feet from the right-of-way line.
3. Side yard/ rear yard.
 - a. No structure shall be placed closer than five (5) feet from the side property line.
 - b. Structures greater than twenty-eight (28) feet in height shall be eight (8) feet from the side property line.
 - c. No structure shall be placed closer than ten (10) feet from the rear property line.
 - d. Projections may not encroach more than three (3) inches for each foot of required yard setback width.

E. Maximum Building Height. Thirty-five (35) feet for all uses except residential ~~uses~~ development; twenty-eight (28) feet for all residential ~~uses~~ development.

F. Parking Regulations.

1. Each dwelling unit shall be provided with at least two (2) parking spaces on the building site, one (1) of which may be in the required front yard setback area.
2. Parking spaces utilizing access from a public dedicated alley may be located within the setback area.
3. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
 - a. New construction
 - b. Change of use
 - c. New or expanded parking area
4. Bicycle parking as required by 17.20.040.

G. Signs. All signs shall be in conformance with the sign regulations of this title.

17.03.030 Urban High Density Residential Zone (R-3)

A. Permitted Uses.

1. ~~Detached single~~ Single-family dwellings for residential use and accessory structures
2. Duplexes and triplexes for residential use
3. Multi-family dwellings for residential use, subject to site plan review
- ~~4. Rooming and boarding houses~~
- 4.5. Manufactured homes for residential use

~~6. Home occupations~~

~~7. Bed and breakfast facilities~~

~~58. Mobile home parks~~

~~9. Family day care~~

~~610. Residential care facilities~~

~~711. Group residential, if fifteen (15) or more persons, subject to site plan review~~

~~812. Transportation facilities pursuant to 17.20.050(A)~~

~~913. Public parks, playgrounds, and related facilities in an approved subdivision, subject to site plan review~~

~~14. Accessory dwelling units~~

10. Accessory uses permitted when accessory to residential use:

a. Accessory dwelling units subject to HRMC 17.23

b. Bed and breakfast facilities subject to HRMC 17.04.110

c. Family day care subject to HRMC 17.04.100

d. Home Occupations in accordance with HRMC 17.04.100

e. Hosted homeshares and vacation home rentals subject to HRMC 17.04.115

B. Conditional Uses.

1. Hospitals, sanitariums, rest homes, nursing or convalescent home
2. Schools and child care centers
3. Public parks, playgrounds, and related facilities
4. Utility or pumping substations
5. ~~Churches~~ Religious institutions
6. Planned unit developments
7. Professional offices
8. Hostels
9. Townhouse projects for residential use

C. Site Development Standards. The minimum lot or parcel size shall be 5,000 square feet. The minimum requirements for building sites are as follows:

1. Per dwelling unit or duplex, a minimum of 5,000 square feet.
2. Per townhouse building, a minimum of 2,100 square feet.
3. A minimum frontage of fifty (50) feet on a dedicated public street.
4. A minimum frontage of thirty (30) feet on a dedicated public cul-de-sac.
5. Lot Coverage: Pursuant to 17.04.120

D. Setback Requirements. The minimum setback requirements shall be as follows:

1. No structure shall be placed closer than ten (10) feet from the nearest public right-of-way line of a dedicated public street.

2. Garages that directly face adjacent streets shall be at least twenty (20) feet from the nearest public right-of-way lines of the dedicated public streets. Garages so constructed to not face an adjacent street may be ten (10) feet from the nearest right-of-way line of the dedicated public street.

Detached garages so constructed to not face an adjacent public dedicated alley may be five (5) feet from the right-of-way line.

3. Side yard/ rear yard.

a. No structure shall be placed closer than five (5) feet from the side property line.

b. Structures greater than twenty-eight (28) feet in height shall be eight (8) feet from the side property line.

c. No structure shall be placed closer than ten (10) feet from the rear property line.

d. Projections may not encroach more than three (3) inches for each foot of required yard setback width.

E. Maximum Building Height. Thirty-five (35) feet for all uses except residential ~~uses~~ development; twenty-eight (28) feet for all residential ~~uses~~ development.

F. Parking Regulations.

1. Each dwelling unit shall be provided with at least two (2) parking spaces on the building site, one (1) of which may be in the required front yard setback area.

2. Parking spaces utilizing access from a public dedicated alley may be located within the setback area.

3. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:

a. New construction

b. Change of use

c. New or expanded parking area

4. Bicycle parking as required by 17.20.040.

G. Signs. All signs shall be in conformance with the sign regulations of this title.

17.03.040 Office/Residential Zone (C-1)

A. Permitted Uses.

1. ~~Detached single~~ Single family dwellings for residential use and accessory structures

2. Duplexes and triplexes for residential use

~~3. Rooming and boarding houses~~

4. Manufactured homes

5. Home occupation

6. Bed and breakfast facilities

7. Family day care

8. Residential care facility

9. Group residential, if less than fifteen (15) persons
10. Transportation facilities pursuant to 17.20.050(A)
11. Hosted homeshares subject to Section 17.04.115
12. Vacation home rentals subject to Section 17.04.115

B. Permitted Uses Subject to Site Plan Review.

1. Professional offices
2. Change of use
3. Parking lots of four (4) or more spaces, new or expanded, and or the equivalent of paving equal to four (4) or more parking spaces
4. Multi-family dwellings for residential use
5. Group residential, if fifteen (15) or more persons
6. Transportation facilities pursuant to 17.20.050(B)

C. Conditional Uses.

1. Hospitals, sanitariums, rest homes, nursing or convalescent homes
2. Schools and child care centers
3. Public parks, playgrounds and related facilities
4. Utility or pumping substations
5. ~~Churches~~ Religious institutions
6. Planned unit developments
7. Public facilities and uses
8. Hostels
9. Townhouse projects for residential use

D. Site Development Requirements.

1. Minimum Lot Area: Per dwelling unit or duplex, a minimum of 5,000 square feet. Each unit thereafter shall require an additional 1,500 square feet.
2. Minimum Townhouse Lot Area: A minimum of 5,000 square feet for the first two (2) residential units and 1,500 square feet each for any additional residential units.
3. Minimum Frontage:
 - a. Fifty (50) feet on a dedicated public street, or
 - b. Thirty (30) feet on a public dedicated cul-de-sac.

E. Setback Requirements.

1. Professional offices: The standards outlined in the R-3 zone apply.
2. Residential development uses or a combination of professional offices and residential development uses: The standards outlined in the R-3 zone apply.

F. Maximum Building Height. Thirty-five (35) feet.

G. Parking Regulations.

1. Professional Offices:

- a. One (1) off-street parking space shall be provided on the building site or adjacent to the site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele.
- b. In no case shall there be less than two (2) off-street parking spaces.
- c. The Central Business District, the Heights Business District and the Waterfront are exempt from this requirement but shall pay a fee in-lieu of parking in accordance with Chapter 17.24.
- d. Parking in the Central Business District, Heights Business District and Waterfront may be satisfied by substituting all or some of the parking requirement at adjacent or nearby off-site off-street locations and/or by adjacent or nearby shared parking if the substitute parking reasonably satisfies the parking requirements of this section. If no off-street or off-site parking reasonably satisfies the parking requirements of this section, the fee in-lieu of parking shall be paid in accordance with Chapter 17.24. If less than all required parking is provided, the fee in lieu of parking shall be paid in accordance with Chapter 17.24, except that a credit shall be given for the number of spaces provided.

2. Residential Development ~~Uses~~:

- a. All individual dwelling units, duplexes, and triplexes shall be provided with two (2) parking spaces for each unit on the building site, one (1) of which may be within the required front yard setback area.
- b. Multi-family dwellings shall be required to furnish one and one-half (1½) off-street parking spaces per dwelling unit on or adjacent to the building site.
- c. Required setback areas may be utilized for off-street parking for multi-family dwellings.
- d. Parking spaces utilizing access from a public dedicated alley may be located within the setback areas.

3. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:

- a. New construction
- b. Change of use
- c. New parking area

4. Bicycle parking as required by 17.20.040.

H. Lighting. Artificial lighting shall be subdued and shall not shine, cause glare, or be unnecessarily bright on surrounding properties. Both interior and exterior lighting shall take into consideration the viewshed and shall be dimmed as much as possible after closing without compromising safety and security. Flood lights on poles higher than fifteen (15) feet shall not be permitted.

I. Signs. All signs shall be in conformance with the sign regulations of this title.

J. Landscaping. All landscaping shall be in conformance with the landscape standards in this title.

17.03.050 General Commercial Zone (C-2)

A. Permitted Uses. Except for C-2 Zoned land within the Waterfront Area, which are specifically addressed in Subsection D, the following uses are generally allowed in the C-2 Zone:

1. Rooming and boarding houses
2. Home occupations
3. Bed and breakfast
4. Family day care
5. Residential care facility
6. Group residential, if less than 15 persons
7. Transportation facilities pursuant to 17.20.050(A)
8. Accessory dwelling units
9. Residential use of existing detached single-family dwellings, manufactured homes, duplexes and triplexes
10. Hosted homeshares subject to Section 17.04.115
11. Vacation home rentals subject to Section 17.04.115

B. Permitted Uses Subject to Site Plan Review. Except for C-2 Zoned land within the Waterfront Area, which are specifically addressed in Subsection D, the following uses are generally allowed in the C-2 Zone subject to Site Plan Review:

1. Commercial uses
2. Industrial uses incidental and essential to an on-site commercial use (Refer to the section below, “K”)
3. Change of use
4. Parking lots of four (4) or more spaces, new or expanded, and or the equivalent of paving equal to four (4) or more parking spaces
5. Multi-family dwellings for residential use, with a minimum density of 11 units/net acre.
6. Group residential, if fifteen (15) or more persons
7. Transportation facilities pursuant to 17.20.050(B)
8. Professional Office and Office Uses.
9. Hostels

C. Conditional Uses. Except for C-2 Zoned land within the Waterfront Area, which are specifically addressed in Subsection D, the following uses are generally allowed with a conditional use permit in the C-2 Zone:

1. Residential ~~uses~~ development, excluding multi-family, subject to the following: a) shall be reviewed through the Planned Unit Development (PUD) process; b) PUD common open space criterion is not applicable; and c) shall achieve a minimum of 11 units/net acre.
2. Residential ~~uses~~ development a minimum of 11 units/acre in conjunction with commercial uses on the same lot or parcel.

3. Hospitals, sanitariums, rest homes, nursing or convalescent home
4. Schools and day care facilities
5. Public parks, playgrounds, and related facilities
6. Utility or pumping substations
7. Churches
8. Commercial Uses on parcels of more than 1.5 acres.
9. Public facilities and uses

~~10. Hostels~~

D. Special Restrictions on development in the C-2 Zone within the Waterfront Area. The Waterfront Area, as defined in Section 17.01.060, includes certain development restrictions that apply in addition to and supersede the regulations that apply in the C-2 Zone generally. Uses generally allowed outright, subject to site plan review and conditionally in the Waterfront Area are those set forth in Subsections A, B and C, respectively, except that all of the following additional restrictions apply to development within the Waterfront Area, none of which are eligible for a variance under HRMC Chapter 17.18:

1. Residential ~~uses~~ development is ~~are~~ prohibited unless combined with commercial uses in the same structure, i.e, must be mixed use; all such development that includes a residential component requires a conditional use permit.
2. There is no minimum required residential density in the C-2 Zone within the Waterfront Area.
3. No more than 50% of the gross floor area of any building may be devoted to residential development ~~use~~, and the building primary use shall be commercial, not residential.
4. No residential development ~~use~~ is allowed on the ground floor, and no more than 50% of the ground floor may be used for parking.
5. For any residential development ~~uses~~ approved in the C-2 Zone within the Waterfront Area, a deed restriction, in a form acceptable to the city attorney, shall be recorded with title to the residential property that precludes any residential owner, lessee or guest from objecting to normal and customary commercial, recreational or light industrial uses (including operation of the city's wastewater treatment plant) and any impacts there from, such as noise, dust, glare, odors, hours of operation, truck traffic, parking and the like.
6. The City may impose reasonable conditions on the approval of any residential development ~~use~~ in the C-2 Zone within the Waterfront Area to ensure compliance with these special restrictions.

E. Site Development Requirements.

1. Minimum Lot Area: None.
 2. Minimum Frontage:
 - a. Fifty (50) feet on a dedicated public street or
 - b. Thirty (30) feet on a public dedicated cul-de-sac.
- F. Setback Requirements. The minimum setback requirements shall be as follows:
1. Front - not required.

2. Side and rear - not required except in the case where the structure is adjacent to a residential zone, in which case a three (3) foot setback is required for structures up to two (2) stories, and increased one (1) foot for each additional story above two (2) stories.

G. Maximum Building Height.

1. Thirty-five (35) feet for residential development~~use~~.
2. Forty-five (45) feet for commercial use or for mixed commercial and residential development~~use~~.
3. No commercial structure shall exceed a height of forty-five (45) feet.

H. Parking Regulations.

1. One (1) off-street parking space shall be provided on the building site, or adjacent to the site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele.
2. In no case shall there be less than two (2) off-street parking spaces.
3. The Central Business District, the Heights Business District and the Waterfront are exempt from this requirement but shall pay a fee in-lieu of parking in accordance with Chapter 17.24.
4. Parking in the Central Business District, Heights Business District and Waterfront may be satisfied by substituting all or some of the parking requirement at adjacent or nearby off-site off-street locations and/or by adjacent or nearby shared parking if the substitute parking reasonably satisfies the parking requirements of this section. If no off-street or off-site parking reasonably satisfies the parking requirements of this section, the fee in-lieu of parking shall be paid in accordance with Chapter 17.24. If less than all required parking is provided, the fee in lieu of parking shall be paid in accordance with Chapter 17.24, except that a credit shall be given for the number of spaces provided.
5. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
 - a. New construction
 - b. Change of use
 - c. New parking area
6. All residential ~~uses~~ development shall comply with the off-street parking standards as follows, unless exempt above:
 - a. All individual dwelling units, duplexes, and triplexes shall be provided with two (2) parking spaces for each unit on the building site, one (1) of which may be within the required front yard setback area.
 - b. Multi-family dwellings shall be required to furnish one and one-half (1½) off-street parking spaces per dwelling unit on or adjacent to the building site.
 - c. Required setback areas may be utilized for off-street parking for multi-family dwellings.
 - d. Parking spaces utilizing access from a public dedicated alley may be located within the setback areas.
 - e. Off-street loading facilities shall be encouraged. Public alleys may be utilized for off-street loading

facilities.

7. Bicycle parking as required by 17.20.040.

I. Lighting. Artificial lighting shall be subdued and shall not shine, cause glare, or be unnecessarily bright on surrounding properties. Both interior and exterior lighting shall take into consideration the viewshed and shall be dimmed as much as possible after closing without compromising safety and security. Flood lights on poles higher than fifteen (15) feet shall not be permitted.

J. Signs. All signs shall be in conformance with the sign regulations in this title.

K. Landscaping. All landscaping shall be in conformance with the landscaping standards in this title.

L. Manufacturing.

M. Commercial buildings between 25,000 square feet and 50,000 square feet.

17.04.115 Hosted Homeshares and Vacation Home Rentals

Dwelling units may be used as hosted homeshares or vacation home rentals in the Urban Low Density Residential Zone (R-1), Urban Standard Density Residential (R-2), Urban High Density Residential Zone (R-3), Office/Residential Zone (C-1), and General Commercial Zone (C-2).

A. License Required.

1. Persons operating a hosted homeshare or vacation home rental shall obtain a short-term rental operating license pursuant to Chapter 5.10 of the Hood River Municipal Code.

B. Use Restrictions – All Zones.

1. The room(s) for transient rental shall not include rooms within a recreational vehicle, travel trailer, or tent or other temporary shelter. Rooms within a detached or attached accessory dwelling unit are subject to HRMC 17.23.

2. The maximum occupancy for the dwelling shall be two persons per bedroom plus two additional persons. For example, a two-bedroom dwelling would have a maximum occupancy of six persons.

3. One (1) hard surfaced off-street parking space shall be provided for every two bedrooms. In calculating the number of spaces required, the total shall be rounded up. Parking areas shall not be located in the front yard. If the garage is to be utilized to meet the parking requirement, a photo of the interior of the garage shall be submitted to show the garage is available for parking. Required

parking may be permitted on another lot within 250 feet of the subject property with a shared parking agreement or proof of legal parking access.

C. Additional Use Restrictions – Residential Zones (R-1, R-2 and R-3)

1. A hosted homeshare or vacation home rental is only permitted when it is an accessory use to the existing and continued residential use of a dwelling as the primary residence of the property owner. Proof of primary residence shall be provided in accordance with Chapter 5.10 of the Hood River Municipal Code.

2. The accessory use of a primary residence as a hosted homeshare or vacation home rental is limited to a total of ninety (90) days per calendar year.

D. Prior Existing (Nonconforming) Use. For purposes of hosted homeshare and vacation home rentals, the nonconforming use provisions in HRMC Chapter 17.05 (Nonconforming Uses and Structures) shall apply except as specifically modified in this section.

1. Except as provided in subsection D6, any hosted homeshare or vacation home rental lawfully established and actually in existence prior to the effective date of this 2016 ordinance may continue as a legal nonconforming use subject to the following “amortization periods”:

a. Until 5 years from the adoption date of this ordinance, at which time use of the property shall come into compliance with the parking requirements in 17.04.115B3.

b. Until 7 years from the adoption date of this ordinance, at which time use of the property shall come into full compliance with the then-applicable provisions of this HRMC Title 17.

2. A hosted homeshare or vacation home rental in the R-1, R-2 and R-3 zones shall be deemed to be lawfully established and actually in existence if, at any time between January 1, 2013 and the effective date of this 2016 ordinance all of the following occurred:

a. The home was actually used as a hosted homeshare or vacation home rental as defined in HRMC 17.01.060;

b. The owner obtained from the City a Certificate of Authority to Collect Transient Room Tax; and

c. The owner actually paid a Hotel Tax to the City pursuant to HRMC Chapter 5.09.

3. The proponent of the nonconforming use status of a hosted homeshare or vacation home rental has the burden of proving by a preponderance of credible evidence all of the elements of a nonconforming hosted homeshare or vacation home rental.

4. In addition to proving the elements of a nonconforming hosted homeshare or vacation home rental as described in subsection D2 of this section, to maintain that status, the owner shall apply for a

Short Term Rental Operating License under HRMC Chapter 5.09 within 60 days of the effective date of this 2016 Ordinance and maintain in good standing that License for the duration of the amortization periods provided in this section. Failure to maintain the Short Term Rental Operating License in good standing for the duration of the amortization periods shall result in the immediate termination of any nonconforming use status the home may otherwise have had by operation of law and without the need for any action by the City. The non-conforming use status provided for herein does not transfer with title to the property.

5. A valid non-conforming hosted homeshare or vacation home rental under this subsection D may be nonconforming with regard to subsection 17.04.115.B3, C1 and C2 requirements provided that the extent of the non-conformity with subsection C2 is limited to the maximum number of nights of transient rental which previously occurred in any one of the following calendar years: 2013, 2014, 2015 or 2016 to the effective date of this ordinance.

6. In the event that the amortization periods provided for herein are insufficient compensation for a property owner to recoup his or her reasonable investment in the property's actual use as a lawful transient rental (i.e., hosted homeshare or vacation home rental) or imposition of these regulations results in a demonstrable reduction in the property's fair market value, such a property owner may apply for and seek additional or other compensation from the City under ORS 195.310 to 195.314. Such a property owner may also provide documentation of the owner's reasonable investments in the nonconforming use of the property exclusively for its use as a transient rental that exceed the value that can be recouped by continued transient rental use of the property for the amortization periods and which cannot be put to any other economically viable use of the property. If the property owner demonstrates with credible evidence a reduction in fair market value or that the owner's reasonable investment in the property as a lawful transient rental is not recouped by the amortization periods provided for herein, the city may provide additional compensation in a form and amount of its choosing. The property owner may appeal any such final determination pursuant to ORS 195.318.

CHAPTER 17.23 ACCESSORY DWELLING UNITS (ADU)

17.23.010 General Requirements

- A. An ADU may be created within, or detached from, any single-family dwelling, whether existing or new, as a subordinate use, where permitted by this chapter in the R-1, R-2, R-3, C-1 and C-2 Zones.
- B. Only one ADU may be created per parcel or ownership accessory to a single-family dwelling (no townhouse or duplex).
- C. An application for an ADU shall be processed as a ministerial decision.
- D. Only the property owner, which includes title holders and contract purchasers, may apply for an ADU. The property owner must occupy the primary dwelling or the ADU as their principal residence for at least six months out of the year (case by case basis for exceptions). A primary residence shall be the residence where the owner is registered to vote, used as the primary residence for tax purposes

or other proof that the residence is primary. The owner shall sign an affidavit before a notary affirming that the owner occupies either the main dwelling or the ADU and shall show proof of a 12 month lease for the ADU occupant.

E. The ADU occupant shall provide proof that at least one occupant is locally employed (Gorge – Hood River, Wasco, Skamania, and Klickitat counties), a relative or on a local assistance program for the rent.

F. One off-street parking space shall be provided in addition to the off-street parking that is required for the primary dwelling pursuant to this Title. If the existing dwelling does not currently have the two required spaces, only the one for the ADU will be required. In no case shall the residential parking requirement be diminished to provide the ADU parking.

G. ADU's shall contain 800 square feet or less.

H. All other applicable standards including, but not limited to, setbacks must be met.

I. Upon sale of the property, a new owner shall be required to reregister the ADU, paying a reauthorization fee set by resolution of City Council.

J. If a garage or detached building does not currently meet setbacks, it may not be converted to an ADU.

K. All applicable standards in the City's building, plumbing, electrical, fire and other applicable codes for dwelling units must be met.

L. The owner of the property shall accept full responsibility for sewer and water bills.

M. An ADU may not be used as a hosted homeshare or vacation home rental ~~short term, vacation rental~~.

N. The application and permit fee for an ADU shall be 1% of the building permit fee plus an amount to be set by resolution of the City Council.

O. Beginning January 1st of each year the City will undertake an annual review of ADU permits to ensure compliance.