

**City of Rainier
Planning Commission Meeting
January 13, 2021
6 p.m.
Rainier City Hall**

Chair Erin O’Connell called the meeting to order at 6:02 p.m.

Commissioners Present: Erin O’Connell, Paul Langner and Dena Nordstrom

Commissioners Absent: None

City Staff Present: City Recorder Sarah Blodgett, City Administrator W. Scott Jorgensen and Planner Keshia Owens

Visitors Present: Dan Leno, Councilor Connie Budge, Mayor Jerry Cole

Visitor Comments: There were no visitor comments at this time.

Consider Approval of the Consent Agenda:

Consider Approval of the December 16, 2020 Regular Planning Commission Meeting Minutes—Commissioner Paul Langner moved to approve the consent agenda. That motion was seconded by Commissioner Dena Nordstrom and adopted unanimously.

4. New Business:

- a. Swearing in Commissioner Nina Phillips—Phillips was sworn in by Mayor Jerry Cole.
- b. Selection of Vice Chair—Chair Erin O’Connell said it may become necessary to have a vice chair in case she is ever unable to attend a meeting. Nordstrom said she would be willing to serve in that role. Langner moved to appoint Nordstrom as the commission’s vice chair. That motion was seconded by Nordstrom and adopted unanimously.
- c. Planning Commission Webpage—City Administrator W. Scott Jorgensen explained that he’s been working to add more information to the city’s website. Bios and headshots of councilors are now included, and he was wondering if the commissioners would be interested in having theirs put on there as well, along with key documents like the Transportation System Plan, Comprehensive Plan and Urban Growth Boundary maps. O’Connell said it’s important for the city’s citizens to know who is making decisions on their behalf. Langer said he supports adding that information to the website. Commissioners agreed by consensus.

- d. Parks Committee Liaison Position—Jorgensen said that council had a discussion about forming a Parks Committee. Council will have a liaison to the committee and wanted representation from the commission because planning issues will probably come up at some point. O’Connell asked what the committee would be working on. Jorgensen said there are some city properties that could be used for amenities such as a dog park, splash park and bike park. The city is looking to add some trails and connect them. He and Mayor Cole have spoken about possibly expanding the disc golf course from nine to 18 holes. The city also has an RV park property, but private parties have expressed interest in developing their property into one. If that happens, the city may want to do something else with its RV park property. He did a site visit and couldn’t come up with anything but maybe the committee could. O’Connell spoke fondly about her experience in helping to develop the pocket park on C Street and how it enhanced the neighborhood. Commissioners Phillips and Langner indicated they wouldn’t be able to commit to attending regular meetings. O’Connell said she is supportive of the idea but acknowledged that no current commissioners would be able to hold a dedicated position on the committee. Commissioners agreed by consensus that there would be no dedicated member on the Parks Committee but that a position would be held for one on an as-needed basis.
- e. Ordinance 1078-Establishing Business License Regulations for Food Carts—O’Connell said the draft incorporated most of what the planning commission had discussed. Jorgensen said it was based on a model ordinance, one from the City of Scappoose and input from the commission and the city attorney. He wanted the commission’s input on the draft so he can make edits and get it back to council. Langner wants to see “food cart” defined. Phillips had some questions about restroom requirements. She said that in Astoria, restrooms are a few blocks away from the food cart pods. O’Connell said that OSHA had guidelines for providing sanitary facilities for employees. Budge’s concerns involved consistency with nuisance abatement ordinances, zoning requirements and the city’s comprehensive plan.
- f. Comprehensive Plan—Langner suggested that the commission work on a couple of the plan goals every meeting. It should focus on the first two at its February meeting. Jorgensen said that O’Connell had provided him with maps of the city’s Urban Growth Boundary. That could also be discussed February.

O’Connell adjourned the meeting at 7:13 p.m.

Erin O’Connell, Chair

Sarah Blodgett, City Recorder

**City of Rainier
Planning Commission Meeting
February 10, 2021
6 p.m.
Rainier City Hall**

Chair Erin O’Connell called the meeting to order at 6:07 p.m.

Commissioners Present: Erin O’Connell

Commissioners Absent: Paul Langner, Dena Nordstrom and Nina Phillips

City Staff Present: City Recorder Sarah Blodgett, City Administrator W. Scott Jorgensen and Planner Keshia Owens

Visitors Present: Terry Deaton, Delilah Laughlin

Visitor Comments: Delilah Laughlin said she had called city hall to ask if there were any ordinances in place covering Air BnBs. City Administrator W. Scott Jorgensen said the city doesn’t currently have anything. He thought this issue would come up sooner rather than later. There are similar ordinances from other cities that he can bring to the next meeting. Chair Erin O’Connell suggested that he reach out to the Rainier Chamber of Commerce for their input. Her main concern is issues involving compliance with fire, life and safety codes. The city’s zoning ordinance also has a section about home occupation that can be included as part of that discussion.

Consider Approval of the Consent Agenda: No action was taken due to lack of a quorum.

New Business:

- a. Food Cart Ordinance Update—O’Connell said she reviewed the ordinance and thought it looked good. Jorgensen said he obtained a copy of the food cart license application from the City of Scappoose, along with the resolution used to implement the related ordinance. He and Office Manager Sarah Blodgett are reviewing it and presenting those at the next council meeting.
- b. Comprehensive Plan Update—O’Connell went over the changes that were suggested in writing by Commissioner Paul Langner. Terry Deaton spoke on behalf of the draining district. The comprehensive plan states that the district needs to be part of the city’s planning efforts. Deaton will bring the current comprehensive plan to the drainage district board and solicit its members’ input. O’Connell said the city’s urban growth boundary extends into the drainage district area on the west side of town. Deaton said she hopes the city will look at extending its infrastructure to that area. O’Connell agreed that the lack of services helps prohibit development there. Jorgensen asked Deaton if she would like to have the draining district’s input on the comprehensive plan be on the agenda for the next Planning Commission meeting. Deaton agreed. There was a discussion about whether the

city had a comprehensive plan inventory. Jorgensen and Blodgett said they don't think it does, but they can start putting one together. O'Connell said it could support and inform the goals included in the comprehensive plan.

- c. Urban Growth Boundary Expansion—O'Connell said some people have been interested in the west side of town for industrial development, but the lack of infrastructure is a limiting factor.

O'Connell adjourned the meeting at 7:47 p.m.

Erin O'Connell, Chair

Sarah Blodgett, City Recorder

DRAFT

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RAINIER COMPREHENSIVE PLAN POLICIES

GOAL 1: CITIZEN PARTICIPATION

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

FINDINGS:

1. The City of Rainier depends on the efforts of its citizens to achieve its land use goals. Good faith, good communication and mutual trust and respect between the City of Rainier and its citizens are critical if Rainier is to grow and remain livable.
2. The Planning Commission has traditionally encouraged and supported public participation and can most appropriately continue to lead the City's citizen participation efforts.

POLICIES:

1. The Planning Commission is designated as the Committee for Citizen Involvement for Rainier. The Planning Commission has the responsibility for gathering citizen input and information concerning any proposed changes to the Rainier Comprehensive Plan. The Planning Commission may, upon approval from the City Council, form ad hoc committees which include members of the community to study special problems faced by the City.
2. The City will provide as much financial support as possible to the Citizen Involvement process through the Planning Commission. However, volunteers will, of necessity, continue to be the mainstay of the process.
3. The City shall ensure its citizens an adequate opportunity to review and comment on all planning and zoning decisions through public hearing and notice procedures established in state statute and set forth in the Rainier Comprehensive Plan and Zoning Ordinance.

RAINIER COMPREHENSIVE PLAN POLICIES

GOAL 2: LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land, and to assure an adequate factual basis for such decisions and actions.

FINDINGS:

1. Oregon's land use planning system requires that local government comprehensive plans and implementing ordinances conform to the statewide planning goals.
2. The City of Rainier uses the Comprehensive Plan document to state findings and policies and the Zoning Ordinance, Land Division Ordinance and other regulations to govern the use and development of land within the city.
3. The City has prepared an inventory of land within the Urban Growth Boundary and has determined which areas of Rainier are most appropriate for residential, commercial, industrial and other land uses.

POLICIES:

1. The City shall ensure that this comprehensive plan and all future legislative changes are consistent with the statewide planning goals adopted by the Land Conservation and Development Commission.
2. The Comprehensive Plan and any future amendments to the Plan will be adopted by ordinance after adequate public hearings.
3. The Zoning Ordinance, the Land Division Ordinance and any amendments to these ordinances shall conform to the Comprehensive Plan and shall be adopted by ordinance.
4. The City shall maintain a Comprehensive Plan Inventory. This document provides the factual basis for the Comprehensive Plan. The inventory may be updated by the adoption of appendices or by revision of the entire document.

RAINIER COMPREHENSIVE PLAN POLICIES

5. To ensure that the Comprehensive Plan and implementing ordinances are kept current with the needs of the community, this plan shall be reviewed and updated every five to seven years, consistent with periodic review requirements established in state statute.
6. The City shall coordinate its planning programs and activities with affected public agencies and utilities. At a minimum, the City of Rainier coordination program will involve the following agencies:
 - a. Columbia County
 - b. Longview-Kelso Council of Governments
 - c. Port of St. Helens
 - d. State Agencies (Dept. of Land Conservation & Development, Economic Development Department, Division of State Lands, Department of Transportation, State Marine Board, Oregon Parks Department, Department of Environmental Quality)
 - e. Rainier School District and other affected school districts
 - f. West Rainier Diking District, Columbia River Peoples Utility District, Portland General Electric and other utilities
 - g. Rainier Rural Fire District and Rainier City Police Department
7. The Comprehensive Plan Map and the Zoning Map will reflect the plan policies and apply land use categories in the following manner:

Residential - R. This designation is intended to provide for lower density housing. This designation will be implemented by the following zoning districts:

Suburban Residential (SR) District: a very low density single family residential zone for areas with steeper slopes and other site constraints and which has a minimum lot size of 2 acres;

Low Density Residential (R-1) District: a single family residential zone that allows two family dwellings as conditional uses, with minimum lot sizes of 10,000 square feet for single family and 15,000 square feet for two-family; and

Medium Density (R-2) District: a single family and two-family zone with a minimum lot size of 6,000 square feet for a single family dwelling and 7,000 square feet for a two-family dwelling.

RAINIER COMPREHENSIVE PLAN POLICIES

Higher Density Residential – HDR: This designation allows a higher density of residential development than is permitted under the R designation.

This designation will be implemented by the High Density Residential (R-3) District. This district allows the establishment of multiple family dwellings and, as conditional uses, professional office and limited retail services.

Manufactured Home Park (MHP): This designation allows for the development of a residential manufactured home park in an area determined by the City Council through a zone change, and as per the provisions of Zoning Code Section 3.12 Manufactured Home Park Zone (MHP).

Commercial - C. This designation provides for the establishment of a wide range of commercial enterprises. Three zoning districts will be used to implement this designation:

Neighborhood Commercial (C-1): allows a limited range of local oriented retail and services.

General Commercial District (C-2): allows a wide range of general commercial uses.

Waterfront Commercial (WC): allows establishment of general commercial activities, water oriented commercial activities and limited marine light industrial activities.

Central Business District (CBD): allows mixed uses including a limited range of attached housing, retail, service and office commercial, and public recreational uses in a well-designed, pedestrian-oriented manner so as to promote a vital downtown Rainier.

Light Industrial - LI. This designation is intended to allow the development of light industry within the Rainier UGB. The zoning district which implements this designation is the Light Industrial District (M-1).

Heavy Industrial - HI. This designation is intended to allow the development of heavy industry within the Rainier UGB. The City expects that most of this heavy industry will be located to take advantage of the access to a deep water channel. The Heavy Industrial District (M-2) will be the primary district to implement this designation. However, the Light Industrial District (M-1) is also allowed.

Waterfront Mixed Use - WM. This designation is intended to allow the development of a mix of multi-family and attached single family housing and commercial uses. The zoning district which implements this designation is the Waterfront Mixed Use District (WM).

RAINIER COMPREHENSIVE PLAN POLICIES

GOAL 3: AGRICULTURAL LANDS

To preserve and maintain agricultural lands.

FINDINGS:

1. Agricultural land (Soils Classes II -IV) exists within the Urban Growth Boundary and small scale agricultural uses continue.
2. Agricultural land within the UGB ultimately will be needed for urban uses, and urbanization will take place as utilities are extended and annexation to the City of Rainier occurs.

POLICIES:

1. Future expansion of the Rainier Urban Growth Boundary (UGB) shall consider the Soil Conservation Service (SCS) soil classification system, and shall include Class I -IV agricultural lands only after other suitable alternatives have been exhausted.
2. Lands within the UGB are planned for ultimate urban development. However, existing agricultural uses within the UGB should be encouraged as productive open space until public facilities are available and the land is needed for orderly urban growth.
3. Farm tax deferral shall be available for properties within the UGB consistent with state statutes. The City shall support and encourage the transition of land use from agriculture to urban development when public facilities are available to support urban uses and densities.

RAINIER COMPREHENSIVE PLAN POLICIES

GOAL 4: FOREST LANDS

To conserve forest lands for forest use.

FINDINGS:

1. Much of the land within Rainier's UGB is productive forest land, some of which is owned by commercial timber companies.
2. Proper forestry practices on these lands are critical to maintaining slope stability and water quality and to avoiding excessive damage to Rainier's roads.

POLICIES:

1. Future expansion of the Rainier UGB shall avoid high value commercial forest land to the extent feasible.
2. The portion of the city-owned watershed which extends outside of the UGB shall be managed for protection of water quality values.
3. The harvest of commercial forest lands within the Rainier UGB shall be governed by the provisions of the Oregon Forest Practices Act (FPA).
4. The City of Rainier shall delegate the regulation and oversight of commercial timber harvest within the UGB to the Oregon Department of Forestry.
5. Developers shall preserve as many trees as possible when forest land within the UGB is subdivided for residential use. The City shall consider the adoption of a tree cutting ordinance to regulate non-commercial timber harvest and other tree cutting.

RAINIER COMPREHENSIVE PLAN POLICIES

GOAL 5: OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

To conserve open spaces and protect natural and scenic resources.

FINDINGS:

1. The City of Rainier has significant natural and historic resources that are key to Rainier's quality of life.
2. There are significant amounts of forest lands that provide wildlife habitat.
3. Four streams flow through the urban growth area: Owl Creek, Nice Creek, Fox Creek and Beaver Creek. Fox Creek and Nice Creek are Class I streams, supporting runs of anadromous fish and native trout population. Beaver Creek is a Class I stream with a native trout population. Owl Creek is a Class II stream.
4. Rynerson slough is a warm water fish and waterfowl habitat.
5. The City has several historic structures and there are nearby sites of historic significance.

POLICIES:

1. The City shall defer to state or federal agencies with inventories and permit programs affecting wetlands, aquifers and wildlife habitat.
2. The City shall work to maintain the streams and associated riparian areas within the Rainier UGB for water quality, scenic, open space and wildlife habitat values. The intent of this policy is to preserve the multiple values of Nice Creek, Beaver Creek, Owl Creek and Fox Creek.
3. Open space uses will be encouraged along these streams. This is necessary because the separation of Rainier's sanitary and storm sewer systems may significantly alter the volume of flow through these drainage ways during times of heavy rain.

RAINIER COMPREHENSIVE PLAN POLICIES

4. The City shall make efforts to maintain public access to the streams in Rainier through the acquisition of pedestrian easements whenever possible. The Design Review Board will pay special attention to any development adjacent to the streams and establish conditions to minimize the impacts of development.
5. The City will work with relevant agencies, including Columbia County, the Department of Fish and Wildlife, the Department of Transportation and the Division of State Lands to preserve open space and recreational uses of Red Mill Beach. In addition, Rainier will cooperate with efforts to maintain the open space and recreational uses of Dibblee Point.
6. The City will work with commercial and industrial developers to ensure public access to the Columbia River whenever practical. This may be accomplished, in part, through Design Review Board approval of development adjacent to the river. If the City develops a more specific Waterfront Development (Urban Renewal) Plan, that plan shall provide standards and guidance for appropriate public access to the Columbia River.
7. The City shall identify and promote the preservation and protection of historically and culturally significant structures, sites, objects and districts within Rainier.
8. The Moeck (1888) House is listed on the National Register as a historic structure. Rainier shall determine if it is appropriate to designate the Blanchard, Dibblee and Clark Houses as historical sites at the city level. If these houses are determined to be good prospects for preservation, special development regulations will be applied to them as well as to the Moeck (1888) House.
9. The City shall prohibit inappropriate external modifications or demolition without a 120-day waiting period for structures designated in this Comprehensive Plan as historic resources.
10. When considering any land use action which may affect a designated Goal 5 resource, the City shall consider the economic, social, environmental and energy consequences which may arise from the proposed action and shall take all practical steps to avoid or mitigate the consequences of conflicting uses.

RAINIER COMPREHENSIVE PLAN POLICIES

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

To maintain and improve the quality of the air, water and land resources of the State.

FINDINGS:

1. Rainier is in compliance with Department of Environmental Quality air quality standards.
2. Drinking water quality in the City has been threatened by capacity constraints at the City's water treatment plant and a water master plan is under consideration to increase treatment capacity and the distribution system.
3. In places, the city has a combined storm and sanitary sewer system and during periods of rainfall the combined sewage exceeds treatment plant capacity and overflows to the Columbia River. The city is preparing to undertake a sewer master plan to address these issues.
4. Water quality in the city's four streams is a critical concern of Rainier residents and development in stream corridors is seen as a potential threat to stream water quality.

POLICIES:

1. The City will work with governments in the Longview-Kelso area, the Department of Environmental Quality and Columbia County to achieve improvement in the air quality of the regional airshed.
2. The City will encourage the location of industries in the Rainier area which will not add to the problems of the air shed. Industry will also be encouraged to locate in Rainier if it can offset air pollution problems.
3. The City will work with the Department of Fish and Wildlife, the Department of Water Resources and the Department of Environmental Quality to ensure that Nice, Owl, Fox and Beaver Creeks maintain their high water quality standards.
4. The city-owned watershed which extends outside of the Urban Growth Boundary shall be zoned Watershed (W). The Zoning Ordinance shall restrict uses to maintain the watershed.

RAINIER COMPREHENSIVE PLAN POLICIES

5. The City shall comply with all applicable state and federal environmental quality rules, regulations and standards. Where applicable, the City shall require a statement from the appropriate agency that all relevant air, water, and/or noise standards can be met prior to the approval of a land use proposal.
6. Planning Commission review and approval of new development, particularly in steep slope areas, shall focus on proper control of drainage to manage storm runoff and erosion and protect the water quality of the streams.
7. The City shall coordinate with Columbia County in the management of solid waste collection, transfer and disposal facilities.

RAINIER COMPREHENSIVE PLAN POLICIES

GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

To protect life and property from natural disasters and hazards.

FINDINGS:

1. The City has extensive areas of steep and unstable slopes, some of which are already developed. The Comprehensive Plan has designated areas with slopes over 20% or with known slide hazards.
2. Portions of Rainier are subject to periodic flooding and flood hazard areas have been designated along the Columbia River and Fox Creek.

POLICIES:

1. The City will review maps from the Soil Conservation Service to determine if there are slide hazards within the City in addition to those already identified in the comprehensive plan.
2. No construction of structures or roads will be allowed in known slide hazard areas, on slopes exceeding 20 percent, or in flood hazard and drainage ways without evidence submitted by a registered engineer to document that the proposed construction can be accomplished safely.
3. The Zoning Ordinance shall include a Geologic Hazard Overlay with provisions for the review of development proposals on all lands within identified slide hazard areas or on slopes exceeding 20 percent.
4. The Zoning Ordinance shall include a Flood Hazard Overlay. This overlay shall meet the standards which are necessary for the City's inclusion in the National Floodplain Insurance Program.
5. The Zoning Ordinance shall establish a Creek Greenway Overlay that shall extend 50 feet from the creek centerline of Beaver Creek, Nice Creek, Fox Creek and Owl Creek. Within the Creek Greenway overlay, regulations shall limit encroachment when there may be changes in stream flow patterns due to increased storm water runoff.

RAINIER COMPREHENSIVE PLAN POLICIES

GOAL 8: RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the State and visitors.

FINDINGS:

1. Rainier lacks an adequate public park system. Its one City-wide park has insufficient site and facilities, and there are few neighborhood parks.
2. The major outdoor recreation sites, such as Dibblee point (fishing), are outside the UGB.
3. The four creek corridors present enormous opportunities to develop trail systems that would enhance appreciation of the natural environment.

POLICIES:

1. The City will create a Parks Plan for the urban growth area. The plan will consider options such as establishment of a system of pedestrian and bicycle trails and the need for parks in different areas of the City.
2. The City will encourage the establishment of parks owned and maintained by neighborhood associations in conjunction with the development of major residential subdivisions. The City will also work to establish a system of neighborhood parks.
3. Regional park facilities are beyond the scope of the City to create or maintain; however, the City will work with Columbia County and other agencies to encourage the development of regional park facilities in the Rainier vicinity.
4. The City will coordinate with Columbia County to determine if improvement of Red Mill Beach is possible or desirable.
5. The City will cooperate with state agencies and Columbia County to plan for future recreational uses at Dibblee Point.
6. The City shall encourage a mixture of marine recreation and commercial use adjacent to the Columbia River. The Waterfront Development (Urban Renewal) Plan will provide more detailed guidance for appropriate locations for recreation uses and public access.
7. The City will work with and support any local, state or federal agency which seeks to develop recreational facilities in the Rainier area.

RAINIER COMPREHENSIVE PLAN POLICIES

8. Public and private recreational sites within the Urban Growth Boundary shall be permitted in all districts except Watershed.
9. Neighborhood parks shall be established as part of a residential subdivision. The Land Division Ordinance shall include provisions for the dedication of park land, payment of an "in lieu" fee or payment of a parks systems development charge to support park land acquisition and development.

RAINIER COMPREHENSIVE PLAN POLICIES

GOAL 9: ECONOMY OF THE STATE

To diversify and improve the economy of the State.

FINDINGS:

1. The Rainier economy has traditionally been dependent upon the wood products industry in general, and to the wood processing facilities in Longview-Kelso in particular.
2. The local economy is generally tied into that of the Longview-Kelso-Rainier region, with many Rainier residents finding jobs, goods and services on the Washington side of the Columbia river.
3. Rainier possesses valuable large industrial sites with access to the main channel of the Columbia River; these sites are increasingly rare and valuable and development of major marine-oriented industrial uses are likely in the near future. Economic studies indicate a range of uses, including layberthing and proprietary docking facilities, that could develop on or in relation to these sites.
4. Rainier also possesses a large supply of light industrial lands within its UGB which can provide a home to a variety of industries related to the more marine-oriented industries which may locate north of the railroad tracks.
5. The improvement of the Highway 30 Corridor and anticipated improvements to the I-5/Rainier corridor through Longview will result in vastly increased access to Rainier from the Portland Metropolitan Area. This, along with improvements to telecommunications systems, will increase the demand for commercial and industrial development in Rainier.
6. The Rainier economy was boosted substantially by the opening of the Trojan Nuclear Power Plant just east of the city. The closure of Trojan has eliminated several hundred family wage jobs, and the City is working to establish industries and businesses to replace these lost jobs. In these efforts, the City is most effective when it participates in a multi-agency effort that involves the Oregon Economic Development Department, the Port of St. Helens, Columbia County and other agencies.

RAINIER COMPREHENSIVE PLAN POLICIES

POLICIES:

1. The City shall work with the Overall Economic Development Program of Columbia County, the Port of St. Helens, the Oregon Economic Development Department, the Columbia River Peoples Utility District and any other appropriate state or federal agency to encourage the development of industrial land within the Rainier UGB. The City shall encourage industries which will help diversify the local economy and which will meet the policies of the City to preserve its air and water resource quality.
2. Marine industrial development will be encouraged to take advantage of the access to the main channel of the Columbia River.
3. The City shall prepare and adopt a Waterfront Development (Urban Renewal) Plan to facilitate infrastructure improvements and development of waterfront commercial and industrial lands in Rainier.
4. The City shall maintain an adequate inventory of industrial sites within the UGB to provide a variety of parcels and market choice to accommodate industrial users. The Light Industrial Zone and Heavy Industrial Zone implement the industrial plan designation.
5. Prior to any development within the West Rainier Diking District, the developer of an industrial site shall make provisions to reimburse the Diking District for any increased pumping cost which occurs as a result of the development of the industrial site.
6. The City will work with merchants and property owners to enhance and redevelop the downtown commercial area. Design review procedures will be followed to ensure the compatibility of new commercial development with existing uses. Downtown redevelopment will be a major focus of the Rainier Waterfront Development (Urban Renewal) Plan.

RAINIER COMPREHENSIVE PLAN POLICIES

GOAL 10: HOUSING

To provide for the housing needs of the citizens of the State.

FINDINGS:

1. The population of Rainier has remained relatively unchanged over the last twenty-five years. The 1970 census population was 1,731; the 1994 population estimate is 1,700. Housing development has been similarly stagnant, with 635 total housing units in 1970 and 672 in 1990.
2. Households in Rainier tend to be family households with household sizes similar to the average for the State. Housing in Rainier primarily has been for family housing in single family detached homes, including mobile homes. In 1990, 77% of Rainier's housing units were single family (attached or detached).
3. Over time and as Rainier is influenced more by demographic trends in the Portland Metropolitan Area, its housing needs will likely shift toward housing for smaller and non-family households.

POLICIES:

1. Land with slopes in excess of 20 percent, in known slide hazard areas and in designated floodplains and drainage ways has been considered unbuildable for the purposes of the buildable lands inventory. Very limited development will be allowed in these areas subject to engineering documentation that the proposed project can be constructed safely and will not result in a future hazard.
2. The Comprehensive Plan Map includes a range of designations to accommodate construction of a variety of housing types and densities.
3. The Zoning Ordinance will include provisions to allow zero-lot-line construction in specific zones to reduce lot and housing costs.
5. The City will cooperate with the Columbia County Housing Authority, the Community Action Team and any other appropriate group or individual that wishes to construct low income housing within the Rainier Urban Growth Boundary. Affordable housing strategies in the City will be considered in the context of the Comprehensive Housing Affordability Strategy (CHAS) developed for the region including Columbia, Clatsop, Tillamook and Lincoln Counties.

RAINIER COMPREHENSIVE PLAN POLICIES

6. The City will review Zoning Ordinance procedures and standards to ensure that they do not preclude the development of needed housing types in Rainier. The City will use land use standards and procedures which are clear and objective.

RAINIER COMPREHENSIVE PLAN POLICIES

GOAL 11: PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

FINDINGS:

1. The City's water treatment facilities have been found to be inadequate in terms of capacity. Water distribution facilities need to be developed to serve areas of the city currently without service. A water master plan has been developed to address these objectives and the City is in the process of implementing the plan.
2. The City's sewer collection and treatment facilities are inadequate in both design and capacity. The location of the sewage treatment plant may be a serious inhibiting influence on revitalization and development of the riverfront. The City intends to undertake a sewer master plan to address these issues.
3. The City's storm water collection system is, in some areas, combined with the sanitary sewer system. During periods of rainfall, there is overflow of untreated sewage to the Columbia. Storm water collection will be addressed as part of the sewer master plan.
4. While the City provides administration, library, planning and public safety services, fire protection services are provided by the Rainier Rural Fire Protection District. K-12 educational services are provided by the Rainier School District. The city is not currently within a Community College service district.
5. Developing an equitable and adequate source of financing for improvement and extension of utilities and public services is a major challenge for the City. Currently, the City is considering the adoption of systems development charges for sewer and water systems.

POLICIES:

1. In cases of documented health hazards or inability to annex to the City because of lack of contiguity with existing City limits, the City may allow the extension of sewer and water services to lands outside the City limits but inside the Urban Growth Boundary. However, these extensions shall be done at the developer's expense, and only after the owner of the property to be developed has agreed not to oppose annexation when the subject property becomes contiguous with the City.
2. The City may extend water service beyond the Urban Growth Boundary only to resolve a health hazard or to maintain public service to an area which is already

RAINIER COMPREHENSIVE PLAN POLICIES

served. These extensions of water service will normally be made pursuant to an agreement with a water association or a water service.

3. No sewer service shall extend beyond the Urban Growth Boundary except to resolve a documented health hazard. The City will not allow any additional service connections to the existing sewer line which extend outside the Urban Growth Boundary to serve the High School Complex.
4. The City may allow the construction of certain public facilities, including water lines and reservoirs, outside the Urban Growth Boundary when it is beneficial to the City from an engineering and operation basis. However, the City will not allow any connection to these facilities except for health or safety reasons. This provision does not restrict the City's ability to contract with a water district or water association to provide water.
5. All new subdivisions within Rainier shall be served by a minimum level of public facilities, including sanitary and storm sewer systems, a water system, and paved public roads. These public facilities shall be installed or bonds posted prior to the issuance of any building permits. All new development within Rainier shall be served by city water and sewer.
6. The City shall prepare and update facility plans to guide the improvement and expansion of the existing sewer and water systems. The construction of new lateral, collector and main lines, pump stations and other such facilities shall be the financial responsibility of those benefiting from the construction of the facilities.
7. The City may enter into an agreement with a developer which allows the City to collect a late connection fee and reimburse the developer for an equitable share of the public facilities constructed by the developer which serve a larger geographic area.
8. The design and extension of any sewer or water facilities shall be related to future as well as present demands for these services. New facilities shall be sized to fit the growth pattern envisioned in the Plan Map.
9. The City shall plan for the provision of adequate water supplies to meet the projected growth within the Urban Growth Boundary.

RAINIER COMPREHENSIVE PLAN POLICIES

10. The expense of the extension of water, sanitary and storm sewer and other public facilities shall largely be borne by those property owners benefiting from these extensions. The City shall study methods of financing improvements to the overall system. These financing methods may include the establishment of System Development Charges, the formation of Local Improvement Districts, increases in user fees or connection fees, levies or any other method the City may determine to be feasible.
11. Natural drainage ways shall be used to carry storm water runoff whenever possible. Before any changes in the natural drainage pattern are made, the Department of Fish and Wildlife shall be consulted to determine whether any adverse effects will result.
12. Development over natural drainage ways will be allowed only when it is shown that this development is required for the successful completion of the project and is approved by state and federal permitting agencies. If such development is allowed, the culverts shall be sized to handle the maximum peak flow.
13. A separate storm drainage system shall be constructed for every new subdivision or development. Whenever possible, existing combined storm/sanitary sewer lines shall be separated.
14. The City will coordinate with the Rainier School District to ensure that school facilities are planned and constructed to meet the needs of the City.
15. The location of future school, police and fire facilities shall be coordinated with the comprehensive plan and Urban Growth Boundary.
16. Public facilities such as public schools, police stations, fire stations, community centers, churches, private schools, lodges and similar uses will be allowed as conditional uses in all land use designations and zones except the Watershed.
17. Utility facilities such as power substations, sewer pump stations, water tanks and other similar uses shall be allowed as conditional uses in all zones except the Watershed.

RAINIER COMPREHENSIVE PLAN POLICIES

GOAL 12: TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

FINDINGS:

1. The City is currently participating with the Oregon Department of Transportation's Highway 30 Corridor Study, which is addressing the needs for multi-modal access throughout the Corridor, which stretches from Portland to Astoria.
2. The City has completed Transportation System Plan (TSP) to address multimodal transportation needs within the City. Policies related to the TSP are stated in this section of the Comprehensive Plan and in the TSP.
3. Rainier has very strong transportation facilities, including highway, river-borne and rail. Conflicts between through movements on both highway and rail and local use of these facilities and adjacent rights of way continues to be a major challenge for Rainier.

POLICIES:

1. The City will coordinate with the Oregon Department of Transportation (ODOT) on the Highway 30 Corridor Study. In particular, the City will advocate consideration of the following local issues as part of the larger corridor study:
 - a. Need for improved pedestrian access along and across US 30 in Rainier
 - b. Improved local traffic flow between the residential and commercial areas of Rainier
 - c. Congestion and safety problems near the south end of the Longview Bridge
2. The City will take the following actions to enhance connectivity with the I-5 Corridor:
 - a. Work with Columbia County, ODOT, the Longview-Kelso-Rainier Metropolitan Planning Organization (MPO) and other appropriate Washington local governments and agencies to plan for greater connectivity, including evaluating alternatives for repair or replacement of the Lewis and Clark Bridge.
 - b. Participate in implementing network improvement plans, including bridge, road and street improvements and signage.

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3. The City will seek to have adequate pedestrian and/or bicycle paths included in the design of any major improvement to U.S. 30 through Rainier.
4. The City shall require compliance with the Transportation System Plan as a criteria for approval of development and plan amendment proposals.
5. The City will use adopted road standards to govern the improvement of public and private streets.
6. The road standards will include provisions for reduced road widths in areas of steep slope to minimize cutting, filling and erosion.
7. The City may require that any subdivision, planned development and development allowed as a conditional use be accompanied by a traffic impact statement describing the potential on-site and off-site impacts of the proposed development, including the need for off-site road improvement and signals.
8. The City will review and recommend any needed changes in the on-street parking or traffic patterns of the existing commercial core.
9. The City will support the efforts of Columbia County to meet the needs of the transportation disadvantaged of Rainier.
10. The City will support efforts to increase the availability of public transit to the residents of Rainier. This may include the extension of bus service to Rainier from Longview.
11. The City will implement the TSP to achieve a multi-modal transportation system including highway, rail, water, public transportation, and pedestrian and bicycle facilities. Rainier's varied transportation facilities can be leveraged to attract new development to the community.
12. In locations that conform to the Comprehensive Plan and Zoning Ordinance, the City will support the provision of docks, marine terminals, wharves and dolphins to accommodate deep draft and shallow draft cargo movement and the development of intermodal connections between marine facilities, rail and highways to facilitate and improve freight movement.
13. Within the context of other applicable goals, the City will encourage roadway improvements along Highway 30 and between Rainier and Interstate 5. The City will support efforts to improve the bridge connection between Rainier and Longview.

RAINIER COMPREHENSIVE PLAN POLICIES

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TRANSPORTATION SYSTEM PLAN POLICIES

A. **Approval Processes for Transportation Improvements**

The Transportation System Plan (the "Plan") is an element of the City of Rainier Comprehensive Plan. It identifies the general location of transportation improvements. Changes in the specific alignment of proposed transportation projects shall be permitted without amendment of the Plan if the new alignment falls within a transportation corridor identified in Plan.

1. The following actions, when taken in accordance with the Plan, shall be permitted without the need for approval by the Planning Commission or City Council and are not subject to land use regulations unless otherwise noted:
 - a) Operation, maintenance, repair, and preservation of existing transportation facilities including road, bicycle, pedestrian, bridge, dock port, airport, rail facilities and major regional pipelines and terminals (except where specifically regulated).
 - b) Dedication of right-of-way, authorization of construction and the construction of facilities and improvements in accordance with the roadway standards stated in the Plan.
 - c) Changes in the frequency of transit, rail and airport services.
 - d) Construction of climbing and passing lanes within the right-of-way existing as of July 1, 1987.
 - e) Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.
 - f) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
 - g) Minor betterment of existing public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous publicly owned property utilized to support the operation and maintenance of public roads and highways.

B. **Policies for Protection of Transportation Facilities**

RAINIER COMPREHENSIVE PLAN POLICIES

The City of Rainier wishes to protect future operation of the Highway 30 corridor, including the highway, pedestrian and bikeways and the rail line. The City also seeks to protect existing and planned transportation systems by continuing coordination with other relevant agencies, adhering to the road standards and following the access management policies and other measures contained in the Plan. The policies of the City of Rainier related to protection of transportation facilities are:

1. To protect the function of existing and planned roadways as identified in the Transportation System Plan.
 - a) In particular, the City will seek to reduce the number of direct access points to Highway 30. The number of driveways with direct access to Highway 30 shall be reduced, where possible, to one per block face, with driveways located opposite each other on either side of the highway.
 - b) Except where impracticable, access to blocks adjacent to the highway should be restricted to a driveway on a side street. Driveway connections between adjacent lots (cross easements) should be used where possible to reduce the number of driveways. The City shall develop more specific access management plans that provide for continuous access systems between properties on blocks adjacent to Highway 30.
2. To consider the impact on existing or planned transportation facilities in all land use decisions.
3. To protect the function of existing or planned roadways or roadway corridors through the application of appropriate land use regulations.
4. To consider the potential to establish or maintain accessways, paths, or trails prior to the vacation of any public easement or right-of-way.
5. To preserve right-of-way for planned transportation facilities through exactions, voluntary dedication, or setbacks.

C. **Policies for Pedestrian and Bicycle Circulation**

The City of Rainier wishes to plan and develop a network of streets, accessways, and other improvements, including bikeways, sidewalks, and safe street crossings to promote safe and convenient bicycle and pedestrian circulation within the community. It is the policy of the City to:

1. Require streets and accessways where appropriate to provide direct and convenient access to major activity centers, including downtown,

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2. Consider the existing and future opportunities for bicycle and pedestrian ways. Many existing ways such as user trails established by school children distinguish areas of need and should be incorporated into the transportation system.
3. Include bikeways in the roadway standards for all new arterials and collectors within the Urban Growth Boundary.
4. Retrofit existing arterials and collectors with bike lanes shall proceed on a prioritized schedule as appropriate and practical.
5. Include sidewalks in the roadway standards for all new streets within the Urban Growth Boundary.
6. Retrofit existing streets with sidewalks on a prioritized schedule.
7. Give priority to developing pedestrian and bicycle access to major activity centers within the Urban Growth Boundary, such as the downtown, schools, and community centers.
8. Design and construct bikeways and pedestrian access ways to minimize potential conflicts between transportation modes.

D. Policies for Coordinated Review of Land Use Decisions

1. The City of Rainier shall coordinate with the Oregon Department of Transportation (ODOT) to implement the highway improvements listed in the Statewide Transportation Improvement Program (STIP) that are consistent with the Transportation System Plan and comprehensive plan.
2. The City shall consider findings of ODOT's draft Environmental Impact Statements and Environmental Assessments as integral parts of the land use decision-making procedures. Other actions required, such as a goal exception or plan amendment, will be combined with review of the draft EA or EIS and land use approval process.

RAINIER COMPREHENSIVE PLAN POLICIES

GOAL 13: ENERGY CONSERVATION

To conserve energy.

FINDINGS:

1. Energy conservation is primarily a regional and national issue. On the local level, Rainier's ability to encourage energy conservation exists in its use of the Uniform Building Code to ensure energy efficient construction, its promotion of multi-family and attached housing types and its providing a multi-modal transportation system that avoids reliance on single occupancy automobiles.

POLICIES:

1. The City will cooperate with appropriate local, state and federal agencies and will seek appropriate local methods to conserve energy.
2. The City will consider the use of renewable energy sources and, where practical, will use these sources to supply some of the City's energy needs.
3. The City will encourage multi-family and attached single family housing and consideration of solar access to support a more energy efficient land development pattern.

RAINIER COMPREHENSIVE PLAN POLICIES

GOAL 14: URBANIZATION

To provide an orderly and efficient transition from rural to urban land use.

FINDINGS:

1. The Rainier UGB was established based on projections of population growth, household size and type, and the need for commercial and industrial lands. Given the negligible amount of population growth and development that has occurred since the adoption of the UGB, the current UGB contains sufficient land to accommodate future needs over the next twenty years.
2. There is a need to undertake additional analysis of lands currently within the UGB to determine whether all such lands are appropriate for urbanization and whether future adjustments to the UGB are warranted. Such adjustments could include removal of certain lands currently within the UGB and addition of lands currently outside the UGB.

POLICIES:

1. The City will review the supply of buildable land within the Urban Growth Boundary during each periodic review of this Plan. The City will strive to include enough land within the UGB to meet projected 20-year land needs for housing and employment growth and supporting public facility and open space uses.
2. Modification of the UGB shall be approved by both the City of Rainier and Columbia County and based upon consideration of the following factors:
 - a. Demonstrated need to accommodate long-range urban population growth;
 - b. Need for housing, employment opportunities, and livability;
 - c. Orderly and economic provision for public facilities and services;
 - c. Maximum efficiency of land uses within and on the fringe of the urban area;
 - e. Environmental, energy, economic and social consequences;
 - f. Retention of agricultural land, with Class I being the highest priority for retention and Class VI the lowest priority and retention of forest lands; and
 - g. Compatibility of the proposed urban uses with nearby agricultural activities.

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3. The first priority for future urbanization outside the current UGB is the Beaver Creek Valley area around the Rainier High School Complex because facilities are or can be made available and the topography of the area is suitable for urban uses.
4. Land use designations for the land between the city limits and the UGB have been mutually agreed upon by the City of Rainier and Columbia County. These designations may be changed only when agreed upon by both the City and the County. Procedures for notice and coordination between the City and the County are outlined in the Urban Growth Management Agreement.
5. Any lands within the Rainier UGB may be annexed to the City of Rainier in accordance with state statute. The City will annex lands only when they are contiguous with the City.
6. Annexation procedures and considerations are outlined in the Urban Growth Management Agreement.
7. No new special service districts will be formed within the UGB unless compatible with the plans of the City for the provision of full urban services within the UGB.

Accessory Short-Term Rentals

33.207

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 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.

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 consistent with Subsection 040.C.
3. Allowed structure type. A Type A accessory short-term rental is allowed in all residential structure types when accessory to a Household Living use.
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.

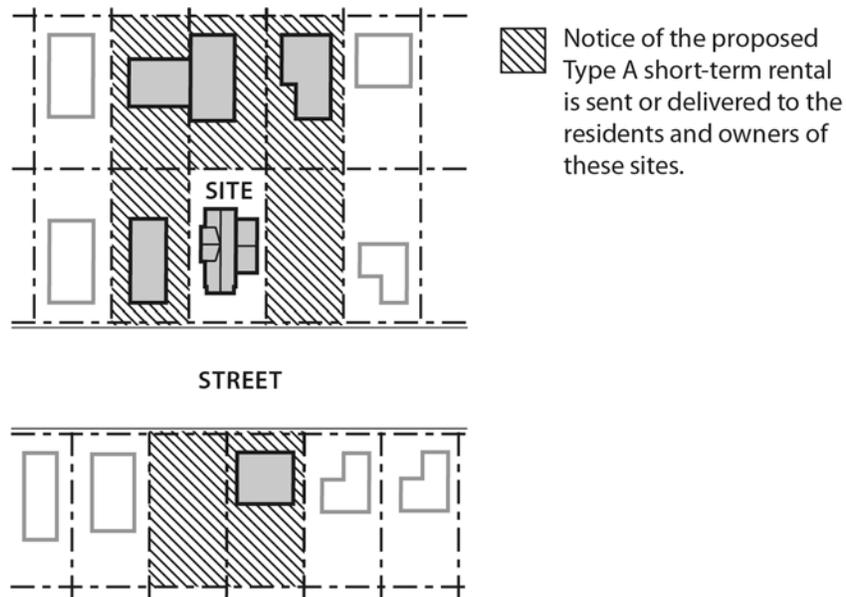
B. Standards. The following standards apply to Type A accessory short-term rentals. Adjustments are prohibited:

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.
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.** 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 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, 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) Resident;
 - (2) Operator; and
 - (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.

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.

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 B accessory short-term rental is allowed in all residential structure types when accessory to a Household Living use.
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.
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.
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.

(Amended by: Ord. No. 164264, effective 7/5/91; Ord. No. 169324, effective 10/12/95; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 178657, effective 9/3/04; Ord. No. 186736, effective 8/29/14; Ord. No. 186976, effective 2/13/15; Ord. No. 188259, effective 3/31/17.)

MEMORANDUM OF UNDERSTANDING

PASS THROUGH REGISTRATION DATA SHARING AGREEMENT

This Memorandum of Understanding (“MOU” or “Pass-Through Registration Data Sharing Agreement”) is entered into by and between Airbnb, Inc. (“Airbnb”) and the City of Portland, by and through the Revenue Division (“City”) as of the date signed by both parties (the “Effective Date”). The City and Airbnb are sometimes referred to below collectively as “Parties” and individually as a “Party.”

RECITALS

The Parties make this MOU with reference to the facts and circumstances set forth below:

- A. Airbnb and its affiliates operate one or more internet-based platforms that allow homeowners or property managers (“Hosts”) to advertise the availability of their properties to travelers (“Guests”) seeking accommodations through various brands and websites, including, but not limited to, Airbnb.
- B. Since July 2014, Portland law has permitted Hosts to rent out their residential units, referred to as “accessory short-term rentals” (“ASTRs”), on a short-term basis pursuant to registration and application requirements. Portland City Code 33.207.040.C.
- C. Portland law contemplates two types of ASTRs: (1) Type A, where no more than 2 bedrooms are rented to overnight Guests; (2) Type B, where 3 or more bedrooms are rented to overnight Guests. Portland City Code 33.207.020.A.
- D. To register their properties as a Type A ASTR, Hosts must obtain a permit from the Portland Bureau of Development Services. To register their properties as a Type B ASTR, Hosts must undergo a conditional use review through the City and obtain a Conditional Use Case File number.
- E. In order to obtain an ASTR permit or a Conditional Use Case File number from the Portland Bureau of Development Services, Hosts must also (1) register for a business license with the City of Portland Revenue Division, and (2) register for Transient Lodging Tax collection with the City of Portland Revenue Division, Transient Lodging Program.
- F. In February 2017, the City adopted administrative regulations establishing a citation-based enforcement process for violations of Portland City Code 33.207.
- G. In July 2017, the City issued a subpoena (“Subpoena”) to Airbnb seeking Host data for all active listings.

- H. Airbnb continues to object to the subpoena on the grounds that it is preempted by the Stored Communications Act (18 U.S.C. § 2701 et seq) and that it violates the Fourth Amendment of the U.S. Constitution.
- I. Airbnb recognizes the importance of being a constructive partner with the City and continuing to work with the City on various policy issues relating to short-term rentals.
- J. The Parties wish to fully, finally, and completely resolve and dispose of all civil charges, claims, causes of actions, complaints, demands, liabilities, rights, obligations, losses, or damages of any kind, known or unknown, arising out of or relating to the Subpoena.
- K. The City is taking proactive steps to streamline and update the ASTR permit process. This includes changing the process for the required Bureau of Development Services verification of Type A Standards from an in-person inspection to a discretionary procedure, and streamlining the application permit process for ASTR permits, business licenses, and Transient Lodging Tax registration to allow hosts to fill out one consolidated form via the Revenue Division to obtain these permits.
- L. In June 2019, the City passed an Ordinance amending PCC 6.04.040 (C) and (D) to prohibit booking transactions, collecting rent or receiving a fee for facilitating or providing short-term rental services unless the STR Platform Operator has entered into a pass-through registration data-sharing agreement in a form acceptable to and approved by the Revenue Division Director, or the Host property is listed on an approved City registry.
- M. The Parties have agreed to implement certain procedures relating to the registration of short-term rental properties as described more fully herein.

ACCORDINGLY, in view of the foregoing Recitals, and in consideration of the agreements and the releases set forth below, the Parties agree as follows:

TERMS AND CONDITIONS

1. PASS-THROUGH REGISTRATION SYSTEM

1.1 Promptly after the Effective Date of this MOU, Airbnb and the City will develop a system that will allow Airbnb, with the consent of Hosts, to facilitate the registration of Hosts with the City and submit data to the City.

1.2 Airbnb and the City will work together to further develop and improve the City's registration requirements and payment systems to ensure an efficient and effective process.

1.3 Airbnb and the City will work together to establish processes and content to educate Hosts about the City's ASTR registration requirements and deadlines.

1.4 Airbnb will utilize a pass-through registration ("PTR") system that sends Host ASTR registration application or registration information, with consent from the Host, directly to the City.

1.5 Subject always to its obligations under applicable privacy and data protection laws, Airbnb will, commencing on the Implementation Date as defined below, provide an Application Programming Interface ("API") that is available to the City to allow the City to receive data that has been provided by Hosts with listings in the City. Airbnb will disclose the Disclosed Data to the City using one or more API(s), data feed(s), data upload(s), and/or data integration(s) (collectively, the "API") and the City will develop and implement an API Integration ("the API Integration") to receive the Disclosed Data and to push additional data to Airbnb.

1.6 Airbnb and the City will cooperate to implement the following PTR procedures by November 1, 2019, ("Implementation Date"). The City shall make available to Airbnb relevant technical information and personnel knowledgeable regarding the City's systems to ensure the proper operation of the PTR system and interconnection with the City's systems. Airbnb shall make available to the City relevant technical information and personnel knowledgeable regarding Airbnb's PTR system to ensure the proper interconnection with the City's systems.

- a. Airbnb shall provide a link to the City's Transient Lodging Tax Ordinance and Short-Term Rental Ordinance web-page, as well as any summary of requirements, if any, that the City wishes to provide, to any new or existing Host listing a property for short-term rental in the City on the Airbnb Platform.
- b. Airbnb shall develop an online registration system to gather and send to the City the following information on a going forward basis, subject to subparagraph 1.6.h for all new short-term rental property listings once a month. On the 1st of each month, Airbnb shall send data for the month immediately prior to the period ending on that date (e.g., December 1, Airbnb shall send data for the period ending November 30).
 - i. the first and last name, or business name, of the person listing the property ("Host") and the property owner or resident if different from the person listing the property;
 - ii. the Host, resident and property owner's mailing address (if different from the listing address);
 - iii. the Host, resident and property owner's phone number and email address (if different from the listing address);
 - iv. the address of the short-term rental property;
 - v. the application permit type;
 - vi. the number of rooms and number of guests advertised for rent in the short-term rental property;
 - vii. a description of the listing written by the Host including the listing type ("Entire place," "Private room" or "Shared room");
 - viii. the rental listing number or unique identification number for the registration submission generated by Airbnb, and the listing URL; and

- ix. an attestation in a form mutually agreeable to the parties that by clicking "submit," the Host has read and understands and agrees to abide by the City's applicable requirements and agrees to allow Airbnb to submit all registration information covered by this agreement to the City.
 - x. The Host's existing permit numbers, if any. Existing permit numbers include the ASTR permit number, and may include the Host's business license number or the Host's Transient Lodging Tax registration number, if provided by the Host.
 - xi. Booking and transactional data by listing location and Host. Such data shall include the number of guests booked as provided to Airbnb, the date(s) the listing is booked, and the date and amount of the transaction booking the location/listing. Transactional data shall be updated for all listings every month.
 - xii. Any other such information as the Director of the Revenue Division shall require as documented in a successor MOU, if any.
- c. For existing listings of short-term rental properties in the City of Portland that were posted on the Airbnb Platform prior to the Implementation Date, Airbnb will gather the information specified in subparagraph 1.6.b.i-xii over a sixty (60) day period beginning on the Implementation Date and send the information to the City via API within seven business days of the end of that period, unless the Host declines to provide this information. If a Host declines to provide this information, their listing(s) in the City of Portland, Oregon will be removed from the Airbnb website at the end of the sixty (60) day period. Once the information specified in this subparagraph has been submitted by a Host to Airbnb for an existing listing, the listing will have "pending" status. Until the end of the sixty-day period, existing listings may remain live on the Airbnb Platform, the property may be booked, and Airbnb and the Host shall be deemed in compliance with the Short-Term Rental Ordinance and with any obligations in the Transient Lodging Tax Laws relating to the registration, permitting, display, advertising, or representations regarding short-term rentals.
- d. The City will review the information regarding new and existing listings provided by Airbnb ("Disclosed Data") and will coordinate directly with the Host to obtain any additional information necessary to determine whether to issue an ASTR permit. For Hosts that have a "pending" status, the City will generate a Consolidated Short-Term Rental Registration form, pre-populate the form with the Disclosed Data and indicate the information needed to complete registration, and mail it to the Hosts. The City will provide Hosts no fewer than 60 days from the date of mailing of the Consolidated Short-Term Rental Registration form to complete registration before issuing a permit denial. In this MOU, the term "ASTR permit" includes both Type A and Type B accessory short-term rental permits, the term "ASTR permit application" includes applications for both Type A and Type B accessory short-term rental permits, and the term "ASTR number" includes both Type A and Type B short-term rental permit numbers, as well as numbers issued by the Revenue Division for properties that offer short-term rentals by right of zoning and building occupancy code.
- e. Once the Disclosed Data has been submitted by a Host to Airbnb for a new listing, the listing may go live on the Airbnb Platform and the property may be booked. In such instances, Airbnb will display a "pending" status in a designated field on the listing. Until an accessory short-term rental permit application is either granted or denied, Airbnb shall

be deemed in compliance with the Short-Term Rental Ordinance and with any obligations in the Transient Lodging Tax Laws relating to registration, permitting, display, advertising, or representations regarding short-term rentals.

- f. If the ASTR permit application is denied, the City will inform both the Host (with a letter or e-mail explaining the reason for the denial) and Airbnb (sending a physical or electronic copy of the letter or a denial code via e-mail or API that indicates which denial letter the Host received). Airbnb will remove the listing from its website within seven business days after receipt of notice from the City. If an appeal is filed, the City will notify Airbnb that the listing may be restored until the appeal is resolved. If the Host files timely notice of an appeal, Airbnb shall not be required to remove the listing from its website until all appeals are exhausted, unless the grounds for removal relate to specific violations of the City Code that constitute public safety issues identified and documented in writing by the City. The City shall inform Airbnb when all appeals are exhausted. If Airbnb fails to remove such listing within seven business days after receipt of notice from the City that the appeal is exhausted or no appeal is filed, the City shall provide Airbnb with notice and two business days to remove the listing before bringing any enforcement or other action against Airbnb for any alleged violation of the Short-Term Rental Ordinance. The City shall provide an administrative appeal process under applicable City Code provisions for any ASTR permit application that is denied. Airbnb shall provide the City a dedicated e-mail address for timely communications concerning any matter related to the Portland Host or listing. Airbnb shall monitor this e-mail address and reply to City e-mails within 48 hours.
- g. If the ASTR permit application is approved or the property is subject to short-term rental by right of zoning and building occupancy code, the City will inform both the Host and Airbnb and provide them with the ASTR number and expiration date (if applicable). Airbnb will update the listing to display the ASTR permit number on the listing in a designated field within (7) seven days after the receipt of such information via API.
- h. If the Host already has an ASTR permit number, he or she may supply the ASTR permit number to Airbnb in lieu of going through the online application process described in subparagraph 1.6.b. Airbnb is not obligated to verify the validity of the permit number but will send the ASTR permit number supplied by the Host to the City in the same report described in subparagraph 1.6.c. In such instances, Airbnb will display the ASTR permit number provided by the Host on the listing in a designated field instead of "pending." The short-term listing may go live on the Airbnb Platform and the property may be booked once the Host supplies the ASTR permit number to Airbnb. In such instances, Airbnb and the Host shall be deemed in compliance with the Short-Term Rental Ordinance and with any obligations in the Transient Lodging Tax Laws relating to the registration, permitting, display, advertising, or representations regarding short-term rentals.
- i. A Host may apply to renew their ASTR permit via Airbnb's website by (a) attesting that their ASTR permit application information has not changed and that it is a renewal, or (b) by providing updated ASTR permit application information and that it is a renewal. Airbnb

will send that information to the City as part of the monthly reports described in subparagraph 1.6.b.

- j. Airbnb acknowledges that all non-exempt Host data provided under this agreement may be considered by the City as a public record under ORS 192. Non-exempt data is data that meets no exemption from the Oregon Public Records Act in ORS 192. The parties agree that booking and transactional data pertaining to a particular listing is subject to an exemption under the Oregon Public Records Act. Airbnb agrees to secure Host acknowledgement that all other data shared with the City may be a public record and may be made publicly available in the City's PortlandMaps database. The data provided by Airbnb pursuant to this agreement shall suffice to ensure Airbnb's compliance with the data sharing provisions of the City's Accessory Short-Term Rental Ordinance (Portland City Code 33.207) and are in a form acceptable to the Revenue Division in accordance with the City's Transient Lodging Tax Code (Portland City Code 6.04).

1.7 The Parties shall each use their best efforts to develop and roll out the registration procedures outlined in this section according to the timelines set forth in this Agreement. Any delay in the rollout of the procedures that is in whole or part caused by the City shall not be a basis for termination of this Agreement by either Party. Similarly, any delay in the rollout of the procedures that is in whole or part caused by unforeseen causes or circumstances that cannot reasonably be mitigated by Airbnb shall not be a basis for termination of this Agreement by either Party.

1.8 The City is responsible for verifying the validity of ASTR permit numbers posted by Hosts and exemptions claimed by Hosts, and seeking enforcement against Hosts under its City Code & Charter. Airbnb will, pursuant to the procedures outlined in Sections 1.6(f) above, be responsible for removing from its platform any listings that the City determines have incorrect registration numbers or are otherwise invalid for failing to complete the permitting process. Similarly, the City will pursue enforcement action against Hosts that have otherwise violated provisions of Portland City Code 33.207 or 6.04. Airbnb shall not otherwise be responsible for removing listings from its platform that belong to such Hosts that have otherwise violated provisions of Portland City Code if the Host has completed all registration requirements pursuant to Portland City Code Section 33.207 and Chapter 6.04.

1.9 Airbnb shall not be held responsible under any provision of the City's Accessory Short-Term Rental Ordinance (Portland City Code 33.207) or other City Code sections specific to short-term rentals, including but not limited to Portland City Code 6.04, for information provided by the Host which may be inaccurate. Airbnb shall not be held responsible for any infraction, violation, or non-compliance by Hosts under any provision of the Portland City Code.

1.10. Data Privacy and Security

- a. Privacy Compliance. The City will comply with applicable data protection, security, and privacy laws. The City will provide individuals with reasonable access and correction rights to their personal information and any other rights provided under applicable laws.

- b. Security Program. The City will implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, destruction, use, modification, or disclosure.
- c. In the event the City receives a public records request for the Disclosed Data, the City will provide appropriate notice and give Airbnb at least seven business days to seek appropriate legal counsel before rendering a decision regarding whether to redact and/or release the information to the requesting party.

1.11 For Hosts listing an ASTR with Airbnb, the City will not require such Hosts to register for any other permit related to the listing of their short-term rental, other than the ASTR permit, business license, and Transient Lodging Tax registration and pursuant to this MOU (during any period in which this MOU is effective). If the listed property does not need to obtain a Type A or Type B ASTR permit by right of zoning to operate an ASTR, the City may require Hosts to obtain permits to verify Zoning and Building occupancy requirements for allowed commercial uses.

1.12 The City agrees that it will continue to work with Airbnb to update its ASTR registration process. Beginning on the Implementation Date, the City will launch its revised in-home inspections process so that inspections will be conducted on a discretionary basis.

1.13 The City will withdraw its subpoena issued July 20, 2017 on the Implementation Date.

2. MOST FAVORED NATIONS CLAUSE

2.1 Airbnb shall not be obligated to comply with any of the provisions in Section 1 above, to the extent they are less favorable than similar terms and conditions agreed to or imposed by the City of Portland on Airbnb's competitors under a Pass-Through Registration Data Sharing Agreement MOU.

2.2 If any more favorable term or condition to a Pass-Through Registration Data Sharing Agreement MOU is or has been agreed to or imposed by the City of Portland on another online platform that offers short-term rentals, the City shall so notify Airbnb and Airbnb may, at its sole discretion, request that the City agree to amend this MOU to substitute or add the more favorable term or condition. If the City does not agree to Airbnb's proposed amendment within ten (10) business days, Airbnb may withdraw from this MOU.

2.3 Within fourteen (14) business days of the City entering into a Pass-Through Registration Data Sharing Agreement MOU with one or more of Airbnb's competitors relating to the registration for ASTR Permits, advertising the availability of or posting listings for short-term rental properties, providing business records and information, or facilitating short-term rentals, except as protected as confidential under the City's audit authority, the City shall provide a copy of the agreement to Airbnb subject to a good faith application of exemptions provided in Oregon Public Records Law, ORS 192.311 to 192.478; provided, however, that the City must notify Airbnb within the applicable

fourteen (14) day period if it plans on invoking any such exemptions and Airbnb shall be permitted to challenge such refusal under applicable law.

3. TERM

3.1 This MOU shall commence on the Effective Date and remain in effect until terminated by either party or if there are material changes to the Portland City Code relating to short-term rentals or Hosts, including Portland City Code 33.207 and 6.04. If the City amends its ordinances, regulations, administrative rules or policies to impose or attempt to impose materially different tax, fee, or regulatory obligations (including but not limited to registration, renewal, rights and procedures applicable to appeal City decisions on registration), on Airbnb or Hosts, Airbnb shall have the right to terminate this MOU, in its entirety, by giving written notice to the City.

3.2 Such termination must be made within 60 days following the City's notice of any such amendment to an ordinance, regulation, or administrative rule. Such termination shall affect only prospective obligations arising after the date of termination and shall not affect the mutual releases and obligations described above, or any other obligations already incurred as of the date of termination. Either party may terminate this MOU upon 30 days' prior written notice to the other party. This MOU may be modified or amended at the mutual discretion of the parties by written amendment signed by both parties.

4. AUTHORIZATION TO ENTER AGREEMENT

4.1 The Parties acknowledge that they (a) have consulted with legal counsel about this MOU, (b) are entering into this MOU voluntarily and with a full understanding of the terms of the MOU, and (c) have full authority to enter into the MOU.

5. MISCELLANEOUS

5.1 Geographic Scope: This Agreement, and the obligations imposed on the Parties, are limited to listings for short-term residential units located in the City of Portland, Oregon.

5.2 Merger and Integration: This MOU contains the entire agreement of the Parties with respect to the subject matter of this MOU, and supersedes all prior negotiations, agreements and understandings with respect thereto, with the exception of a Voluntary Collection Agreement which the parties may enter into before or during the term of this MOU.

5.3 Counterparts: This MOU may be executed in any number of counterparts, each of which will be deemed an original, and all of which, when taken together, will constitute one and the same instrument. The MOU will become effective when a counterpart has been signed by each Party and delivered to the other Party, in its original form or by electronic mail, facsimile or other electronic means. The Parties hereby consent to the use of electronic signatures in connection with the execution of this MOU, and further agree that electronic signatures to this MOU will be legally binding with the same force and effect as manually executed signatures.

5.4 Definition of "Days" for Purposes of Applicable Deadlines: Except as otherwise specifically noted, all references to "days" in this agreement shall be to calendar days and any deadline that falls on a weekend or holiday shall automatically be extended to the first business day thereafter.

5.5 Waiver: Any waiver of any provision of this MOU by a non-breaching Party must be in writing to be valid. Waiver of any breach shall not be deemed to be waiver of any other breach of the same or any other provisions of this MOU.

5.6 Governing Law and Venue: Any and all claims or disputes arising out of this MOU will be resolved as follows: When written notice of a dispute is received, the Parties will make reasonably available executives that have the actual authority to negotiate, to settle the Dispute. The Parties will mutually agree on a venue for negotiation, and then, if no resolution has been reached within ten (10) business days following the original notice, either party may proceed in a court of law.

This MOU shall be deemed to be made under and shall be interpreted in accordance with the laws of the State of Oregon and the laws of the United States, as applicable. The exclusive jurisdiction and venue for any dispute relating to this MOU shall be the United States District Court for the District of Oregon, unless that court would not have jurisdiction over such a dispute in which case the exclusive jurisdiction and venue for the dispute will be the Multnomah County Circuit Court.

5.7 Development of PTR System:

- a. Within 30 days of the Effective Date, Airbnb shall pay the City of Portland Revenue Division a one-time fee of \$20,000 for the maintenance and support of the pass-through registration data sharing agreement API and other STR related enforcement activities. In the event the City agrees to permit another Hosting Platform to build a pass-through registration system under the Ordinance and that platform is not required to make a cost reimbursement payment to the City of at least \$20,000 for the establishment of that system, the City shall pay Airbnb the difference between \$20,000 and the payment by the other platform. The City may elect to pay that amount to Airbnb in the form of credit against any ongoing annual payments owed by Airbnb to the City.
- b. Beginning in 2020, Airbnb shall pay the City \$5,000 annually to reimburse the City of its costs of maintaining and operating the system, with such payment to be made no later than January 31 of each year.

6. CONTACT AND NOTICE INFORMATION

All notices and other communications related to the administration of this MOU will be in writing and delivered to the parties using the following email addresses and/or physical addresses:

Airbnb:

City:

Airbnb, Inc.

City of Portland

Laura Spanjian
laura.spanjian@airbnb.com

With a copy, sent by the same means, to:
Attn: General Counsel
legal@airbnb.com

Thomas Lannom
Thomas.Lannom@portlandoregon.gov

With a copy, sent by the same means, to:
Ken McGair
Ken.McGair@portlandoregon.gov

[Signature Page Follows]

IN WITNESS WHEREOF, the parties have caused this Memorandum of Understanding to be executed by their duly authorized officers as of the dates set forth below.

AIRBNB:
Airbnb, Inc

By:  _____
33DB4A84E71F42C...

Name: Crystal Brown

Title: Director, Global Policy Development

Date: 8/30/2019

City:
The City of Portland, a municipal corporation

By:  _____

Name: Thomas W. Lannom

Title: Director of the City of Portland,
Revenue Division

Date: 8/30/2019

[Help Center](#) >

About Airbnb

Your account

Safety and accessibility

Terms and policies

Portland, OR

When deciding whether to become an Airbnb host, it's important for you to understand the laws in your city. As a platform and marketplace we do not provide legal advice, but we want to provide some useful links that may help you better understand laws and regulations in Portland. This list is not exhaustive, but it should give you a good start in understanding your local laws. If you have questions, contact the [Bureau of Development Services](#), the [Revenue Bureau](#), or other city agencies directly, or consult a local lawyer or tax professional. Please refer to our [quick reference guide](#) for helpful links regarding the short-term rental permitting process in Portland.

Hosting requirements & eligibility

All short-term rental hosts in Portland are required to:

1. Obtain an accessory short term rental permit (ASTR),
2. Register with the transient lodging tax program (TLT), and
3. Register their short-term rental as a business.

More information about these three requirements are below.

Accessory short-term rental permit

Portland requires all hosts who host short-term stays (less than 30 nights at a time) to obtain an accessory rental short-term permit (ASTR) in order to list their space on home sharing sites like Airbnb. To obtain this permit, hosts are required to occupy their residence for at least 270 days during each calendar year. Hosts are not permitted to rent out a secondary residence like a second home or vacation rental. As a host, you are required to include your ASTR permit number on your listing.

Type A permit: You are eligible for a Type A permit if you rent two or fewer bedrooms in your residence. You're required to notify your neighbors and certain other parties of your ASTR via letter and submit a copy of your Oregon Driver's License or Oregon Identification Card to confirm your residency. The Type A permit fee is \$65 if you live in a single-dwelling unit: \$65 and \$105 if you live in a multi-dwelling unit (ex: apartment building).

Type B permit: If you plan to rent three to five rooms, you are eligible for a Type B permit, but you will also be required to go through the City's conditional use land review process. More information on the Type B permit is available on the [City's website](#). The Type B permit fee is \$5800.

Transient Lodging Tax Program

Hosts are required to submit a [Transient Lodging Registration form](#) to the City of Portland Revenue Division even if you host exclusively with Airbnb. The City of Portland, Multnomah County, and the State of Oregon all assess transient lodging taxes on hotels, motels, and short-term rentals. A "short-term rental" is defined as a guest stay of 30 days or less. More information about the transient lodging tax is available on the [City's FAQ page](#) and the [State's FAQ page](#). Airbnb collects and remits these taxes in Portland. More information about collection and remittance in Oregon is available in [our Help Center](#).

Business license

Hosting an accessory short-term rental, is considered a business and everyone doing business in the City of Portland is required to register their business. No payment is due with the registration form and businesses grossing less than \$50,000 per year before expenses are exempt from paying the City of Portland Business License Tax. However, if exempt you will need to make an annual filing to support the exemption request. You can learn more about the business license tax and exemptions on the [City's website](#).

Other rules

It's also important to understand and abide by other contracts or rules that bind you, such as leases, condo board or co-op rules, HOA rules, or rules established by tenant organizations. Please read your lease agreement and check with your landlord if applicable.

Registration process

Applying for an ASTR permit through Airbnb is a 2 phase process. Phase 1 is completed online via Airbnb and Phase 2 is completed offline with the city. You can host as soon as you complete Phase 1 while Phase 2 is pending completion.

If you apply for your ASTR permit through Airbnb, you won't have to complete an in house inspection and you won't have to apply for your ASTR permit number, Business License permit

number, and Transient Lodging Tax (TLT) license number separately. The process for each phase is outlined below.

Phase 1

Apply for your ASTR permit via manage your space on Airbnb:

- Fill in your name, contact information, property address, and description
- Select your permit type (Type A or B)
- If you've already registered with the city enter any existing permit numbers
 - ASTR permit number
 - Business License Number
 - TLT License Number

Phase 2

Within 60 days of submitting your application on Airbnb, the Bureau of Revenue will mail you your ASTR, TLT, and business license registration forms pre populated with information from your Airbnb application. You will also receive a neighborhood notice form.

- After receiving these forms you have 60 days to sign and mail them back with your payment to complete Phase 2 of the registration process.
- The ASTR registration form must be notarized.
- You're also required to mail back a copy of your Oregon Driver's License or Oregon Identification Card to confirm residency at the site. The address on your ID must match the ASTR address.

Data sharing

- Starting in December 2019, Airbnb will pass hosts' registration and listing data through to the City, in accordance with applicable laws.
- During the registration process, hosts will be prompted to agree to sharing their data with the City to apply for an ASTR (Accessory Short Term Rental) permit and publish a listing on the Airbnb website.

Our commitment to your community

We are committed to working with local officials to help them understand how Airbnb benefits our community. Where needed, we will continue to advocate for changes that will allow regular people to rent out their own homes. To learn more about short-term rental regulation in Portland, you can read the [short-term rentals code](#) on the City of Portland's web site.

Did you get the help you needed?

Yes

No

Give us feedback

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Against Discrimination

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