



AGENDA

ASTORIA CITY COUNCIL WORK SESSION

WEDNESDAY, OCTOBER 10, 2018
9:00 AM
2nd Floor Council Chambers
1095 Duane Street · Astoria OR 97103

- 1) CALL TO ORDER**
- 2) ROLL CALL**
- 3) CHANGES TO AGENDA**
- 4) HOME STAY LODGING CODE**
- 5) ADJOURNMENT**
- 6) EXECUTIVE SESSION**
 - a) ORS 192.660(2)(h)- Legal Counsel**

THIS MEETING IS ACCESSIBLE TO THE DISABLED. AN INTERPRETER FOR THE HEARING IMPAIRED MAY BE REQUESTED UNDER THE TERMS OF ORS 192.630 BY CONTACTING JENNIFER BENOIT WITH THE CITY MANAGER'S OFFICE AT 503-325-5824



October 3, 2018

TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: HOME STAY LODGING CODE

Over the last few years, the number of illegal transient lodging facilities in Astoria has increased substantially. Enforcement is difficult as the units are not identified by address or owner in the advertising platforms (such as Airbnb, VRBO, etc.) and it is time consuming and difficult for staff to research where the specific facilities are located in order to initiate code enforcement. At the December 13, 2017 work session, staff reviewed a list of facilities that were being advertised and noted the ones they could identify and of those, which ones had permits and were in compliance with the Codes. Staff also reviewed the current processes for obtaining permits and code enforcement. The City Council discussed the need for better codes, permits, and enforcement and directed staff to research other cities' codes and draft an amendment to the City Code that would address this growing problem.

Staff has researched transient lodging codes in multiple cities and counties and found a variety of ways that communities are dealing with these facilities. Staff has drafted a City Code amendment that clarifies terminology, establishes a permitting process, and addresses code enforcement. At the October 13, 2018 work session, staff will conduct a PowerPoint presentation to review the proposed amendments.

Attached to this memo is a copy of the proposed draft Code amendment for Home Stay Lodging Permits, a proposed draft Code amendment for the Transient Lodging Tax, and a draft permit application. This proposal would put the regulations and permit process into the City Code. However, since the Development Code includes some regulations related to transient lodging and identifies the specific zones in which they are allowed, some code amendments will be required to the Development Code so that it coincides with the proposed City Code. The draft documents include "tracked" changes to existing code language, and "annotated" notes explaining the intent and/or issues for specific code entries.

After the presentation, City Council should discuss the proposed amendments and provide staff with some direction on the language and whether staff should move forward with the adoption process.

By:



Rosemary Johnson, Planning Consultant

HOME STAY LODGING CODE

Annotated

October 2, 2018

CITY CODE

(Annotated: The Home Stay Lodging Code is included in the City Code rather than the Development Code at the suggestion of the City Attorney to allow for better code enforcement possibilities. This is also the way several cities handle the permits.)

5.*** HOME STAY LODGING.

- A. Definition. For the purposes of Section 5.***, the following definitions shall apply:

HOME STAY LODGING: A transient lodging facility with no more than two (2) bedrooms available for transient rental, and which is owner occupied. This includes any accommodation meeting these requirements including facilities known as Airbnb, VRBO, or other such transient lodging identification. Such facilities may or may not provide a morning meal.

OWNER: Those individuals, partnerships, corporations, or public agencies holding fee simple title to property, or a purchaser under a recorded instrument of sale. For purposes of this Ordinance, “owner” does not include an authorized agent of the owner. Owner does not include those holding easements, leaseholds, or purchasers of less than fee interest.

(Annotated: While “owner” is defined in the City Code, this definition is for HSL only and eliminates an “authorized agent” as an “owner” so that the property must be occupied by the actual owner and not someone else.)

OWNER OCCUPIED: Occupancy of the building by the owner of the property as their primary residence, and at the same time as the guest occupancy. Owner shall include those individuals, partnerships, corporations, or public agencies holding fee simple title to property, or a purchaser under a recorded instrument of sale. This does not include an agent of the owner, renter, non-resident family member, those holding easements, leaseholds, or purchasers of less than fee interest.

PRIMARY RESIDENCE: Dwelling or place where an individual is actually living at a specific point in time and intends to maintain as his or her permanent home for a minimum of six months of the year.

(Annotated: This is included to help avoid the issue such as person living in an adjacent home and only staying in the transient building on occasions, and to help maintain the housing stock so a building is not just used occasionally as a dwelling.)

TRANSIENT: Any individual who exercises occupancy or is entitled to occupancy in a structure for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days. The day a transient guest checks out of the facility shall not be included in determining the 30-day period if the transient is not charged rent for

that day by the operator. Any such individual so occupying space in a facility shall be deemed to be a transient until the period of 30 days has expired. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this ordinance may be considered. A person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a transient.

(Annotated: This is similar to the definition for Occupational Tax purposes but removes reference to hotels and allowable extended occupancies.)

B. Purpose.

The purpose of this ordinance is to allow for economic use of underutilized bedrooms in dwellings, support tourism, and provide financial assistance to preserve both the housing stock and historic properties within the City. The purpose is also to ensure that Home Stay Lodging facilities are appropriately located; are compatible with surrounding allowed uses; are conducive to the public peace, health, safety, and welfare of the City; comply with City Code, Development Code, and Building Code requirements; are not in conflict with the Astoria Comprehensive Plan; are properly registered and licensed with the City; and do not reduce the number of potential long-term housing units.

(Annotated: The intent of the Home Stay Lodging is for rental of one or two "bedrooms" within a home and not to allow reduction of available housing units.)

C. Applicability.

The provisions of the Home Stay Lodging ordinance shall apply to all existing and new facilities within the City of Astoria. Existing facilities that obtained City approval prior January 1, 2019 and are not in compliance with all standards of this ordinance may remain operational as an approved, non-conforming Home Stay Lodging facility, with the condition that the facilities shall comply with the following standards and shall be subject to Permit Revocation, Violation and Penalties, and Enforcement sections of this ordinance.

1. The facility shall comply with the fire/life/safety requirements of Section 5.***.D.6.
2. The facility shall remain owner-occupied.
3. The facility shall maintain the required approved off-street parking spaces.
4. The owner shall obtain an Occupational Tax (business license) from the City of Astoria and shall pay the Transient Room Tax.
5. The owner shall obtain a Home Stay Lodging permit within six months of adoption of this ordinance.

(Annotated: Existing HSL facilities are covered by current regulations but have been hard to enforce. Some received approval to operate under the laws at that time and have valid permits. However, they need to maintain the minimum standards to remain in compliance with the original approval. Including the “existing” facilities that were operating without approved permits is not a retroactive permit, but rather is just requiring the ones operating illegally without a permit to get the permits they should have had from the beginning.)

D. Standards.

All existing or proposed Home Stay Lodging facilities must be located within a zoning district in which the use is permitted outright or as a conditional use, and must be in compliance with other City and Development Code regulations and/or requirements such as parking, occupancy, etc. All Home Stay Lodging facilities shall comply with the following minimum standards:

(Annotated: Development Code allows Home Stay Lodging as follows:

Outright Use: R-2, R-3, C-2, C-3, HR,

Conditional Use: R-1, C-4, A-3 in existing bldg, MH)

1. Only one Home Stay Lodging facility is allowed per lot, parcel, or the aggregate of contiguous lots held in a single ownership. In the case of a condominium facility, each condominium unit may have a Home Stay Lodging facility in compliance with all other requirements.
2. The facility shall be occupied by the owner as their primary residence and at the same time as the guest occupancy. In the case of multiple dwelling units in one building such as a duplex or triplex, etc., the owner shall live in the same unit as the guests.

(Annotated: In the past, as long as the owner is in the same building, we have allowed them to live in a separate unit. However, this practice eliminates a unit from available housing stock. The intent of the Home Stay Lodging is for rental of one or two “bedrooms” within a home.)

3. Home Stay Lodging facility shall not be located in an accessory structure on the lot or parcel, or the aggregate of contiguous lots held in a single ownership.

(Annotated: We have allowed transient lodging in accessory structures in the past. However, with the desire to preserve potential housing units, this would make it more restrictive on where they can be located.)

4. A Home Stay Lodging facility shall not be located on a lot, parcel, or the aggregate of contiguous lots held in a single ownership that also contains an Accessory Dwelling Unit.

(Annotated: ADU is an extra unit on a lot which is not sufficient for a duplex. To have both and ADU and an HSL would increase the impact to the neighborhood.)

5. It is the property owner's responsibility to assure that the Home Stay Lodging facility and all sleeping rooms remain in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, Traveler's Accommodation Statutes, and with the Uniform Housing Code.

(Annotated: This would require that as codes change, they would need to stay in compliance for items such as number of people in a house, exiting windows in sleeping areas, etc. Some cities limit the number of people that can be in the house and/or bedroom.)

6. Owner shall have a fire/life/safety inspection at the owner's expense with proof of the following minimum requirements. The initial inspection shall be completed prior to approval of the Home Stay Lodging permit. A reinspection shall be completed every two years.
 - a. Working smoke alarms present in all sleeping areas and common hallways outside bedrooms.
 - b. Working carbon monoxide detector present on each floor with CO producing device or in garage.
 - c. Annually inspected fire extinguishers present on each floor.
 - d. Locked Doors marked "NOT AN EXIT."
 - e. No combustibles or garbage stored against house or under eaves.
 - f. Propane/Gas cylinders located away from house with adequate vehicle impact protection in place.
 - g. Electrical panels accessible, clearly marked with wiring and covers in good shape.
 - h. No combustible storage in equipment spaces, under stairs or in basement/crawl space.
 - i. Fire Alarm / Sprinklers inspected annually if present.
 - j. All exits unobstructed and able to be opened without special knowledge.

(Annotated: These are standard requirements found in most other city and county codes. Need to decide if this is a feasible requirement for Astoria. It is the minimum for fire/life/safety compliance, but the City does not have a current

inspection program or trained staff to conduct the inspection. Staff are not aware of any certified private inspectors in the area. Section 5 may be sufficient, but it is generally good to advise the applicant of the minimum standards required such as smoke detectors, etc. The Building Official could potentially be certified to do the inspections, or the City could contract with another local Building Official and/or Fire Marshal for this service. If done by the City and not a private firm, there should be a charge for the service.)

7. Signs shall conform to the sign requirements for the zone as specified in the Astoria Development Code Article 8.
8. The owner of a Home Stay Lodging facility shall obtain an Occupational Tax (business license) from the City of Astoria, and a permit from the State of Oregon and/or Clatsop County Health Department when required.

(Annotated: County Health Dept requires a license and inspection for transient facilities that serve food such as a B&B or other tourist accommodation.)

9. The owner shall register with the Finance Department and pay the Transient Room Tax as required in City Code Section 8.045.

(Annotated: Amendments to Section 8.045 to address HSL are included in a separate document.)

10. Parking shall be provided in accordance with Development Code Article 7 unless a Variance is obtained. In addition to the requirements of Article 7, the following shall apply:
 - a. The owner shall notify every guest / renter in writing of the required off-street parking and other parking spaces available to serve the transient rental guest.
 - b. Parking shall not, under any circumstances, hinder the path of any emergency vehicle.
 - c. Renters may be cited and fined under existing State and/or City law in the event they park illegally.
11. The owner shall provide the City with the listing details for proposed advertising platforms including but not limited to Airbnb, VRBO, realtor, etc.
12. A Home Stay Lodging facility permit is non-transferable. Any change in property ownership shall require new Home Stay Lodging Permit approval.
13. The owner shall post a notice within the guest entry of the Home Stay Lodging facility and within the guest bedroom advising guests of compliance with City and State regulations including but not limited to: location of guest parking

spaces; and creation of noise, disturbance, or a nuisance in violation of the Astoria City Municipal Code.

(Annotated: This appears in several other city examples and puts the guest on notice.)

E. Application Procedure.

A permit application for Home Stay Lodging facility shall be submitted to the Community Development Department for review and consideration. The application shall be submitted on a form provided by the City and shall include a filing fee as set by Resolution and the following information:

1. Proof of owner occupancy such as voter registration, Clatsop County Tax Assessor records, ID/driver's license, and/or income tax information, etc.
2. Contact information of all property owners for the site.
3. Listing details for proposed advertising platforms including but not limited to Airbnb, VRBO, realtor, etc. The ID number of the Home Stay Lodging used by a third-party entity shall be included.
4. A scaled site plan drawing including dimensions & location of the dwelling and on-site parking.
5. A scaled floor plan showing the location of the rooms to be used including location and size of egress windows in the transient lodging rooms.

F. Routing, Review, and Decision.

1. Administrative.

Home Stay Lodging applications that do not require a Conditional Use Permit through the Astoria Planning Commission shall be processed by the Community Development Director as follows:

- a. Upon receipt of a complete application, the Community Development Department may route the application as necessary through the Fire Department, Police Department, Finance Department, Building Official, and any other applicable City department or other government agency for review.

(Annotated: This gives AFD, APD, and Finance a chance to comment on issues they may be aware of similar to other permits. Some may be good to vet through ODOT, County Health, etc.)

(Annotated: Council had suggested that the applicant provide signatures of adjacent property owners to show that they were aware of the

application. That process would be hard for staff to monitor and enforce. The owner may not be able to obtain signatures due to absent owners, or refusal of adjacent property owner to sign. Another option would be for staff to mail a notice to adjacent property owners. This would require more time to process the permit and more staff time to do the notices. A Council direction on notification requirements is needed.)

- b. The Community Development Director or his designee shall review the request and all comments received and shall approve, approve with modifications, or deny the application based on written Determination of Compliance with all applicable standards.

(Annotated: We propose that the "Determination of Compliance" be a simple check off list on the application for staff to note compliance, not a separate document. This would keep the process simple and take less time. A draft application with a "Determination of Compliance" section is attached as an example.)

- c. Notice of Decision by the Community Development Director shall be provided to the applicant. The notice of the decision shall include:
 - 1) A brief description of the decision reached.
 - 2) A statement that the decision may be appealed to the City Council by filing an appeal within 15 calendar days of the date that the final decision was mailed; and a description of the requirements for an appeal.
 - 3) A statement that the complete request, including the final decision is available for review at the City.

2. Astoria Planning Commission.

Home Stay Lodging applications that require a Conditional Use Permit shall be processed through the Astoria Planning Commission as follows:

- a. In addition to the Home Stay Lodging Permit review as required in Section 5.***.F.1, the applicant shall also apply for the Conditional Use permit.
- b. The Conditional Use application shall be processed by the Planning Commission in accordance with Article 9 of the Development Code.
- b. The Home Stay Lodging Permit shall be processed by the Community Development Director in accordance with this Ordinance.

G. Permit Limitations.

1. Permit Valid.

Each permit shall be valid for a period not to exceed two years, from the date the permit is issued or renewed to December 31 of the second calendar year of the permit, unless otherwise stated. The permit shall not be transferred to another person or location, other than that approved on the permit.

2. Renewal.

- a. The permit may be renewed prior to expiration of the permit upon written request by the applicant and payment of the renewal fee as set by Resolution. Permit renewal applications are due to the Community Development Department by December 31 of the second year of the permit. A permit remains valid, if a timely request for extension has been filed, until a renewal request is granted or denied.

(Annotated: By doing the December 31 expiration, you would not need to track them individually. They could be renewed all at the same time similar to the Occupational Tax. Yearly renewals would be cumbersome like OT but two years, with the enforcement possibilities seems reasonable.)

- b. Home Stay Lodging permits shall be renewed every two years.

3. Revocation or Suspension of Permit.

- a. The permit shall be automatically revoked by the Community Development Director if any of the following occurs:
 - 1) The Home Stay Lodging facility is altered and is no longer in conformance with the plans as approved by the Astoria Planning Commission, Community Development Director, and/or the Building Official; or
 - 2) The property owner ceases to provide the approved number of off-street parking spaces; or
 - 3) The property owner ceases to reside in the dwelling as their primary residence; or
 - 4) Payment of Transient Room Tax is delinquent greater than six months.

(Annotated: This would be another leverage for non-payment of the transient room tax.)

- b. The permit may be suspended by the Community Development Director if any of the following occurs:

- 1) Outstanding, unresolved code enforcement issues and/or code violations concerning the operation of the facility.

(Annotated: A suspension would allow the City to have some leverage for enforcement if there are code violations and the property owner does not resolve them in a timely manner or have repetitive violations.)

- c. Notice of any conditions, suspension, or revocation shall be sent by certified mail to the address of the property owner on the permit. The notice shall contain the following information:
 - 1) The reason for the revocation or suspension.
 - 2) Notice that no new reservations may be made. Current reservations for up to the next 30 days after notification may be honored.
 - 3) A statement that the decision may be appealed to the City Council by filing an appeal within 15 calendar days of the date that the notice was mailed.
 - 4) A description of the requirements for an appeal, including the type of appeal that may be requested.
- d. Should a Home Stay Lodging permit be revoked, the owner may not obtain a Home Stay Lodging permit for any property sooner than one year after the date of the revocation.

(Annotated: This is found in other codes. This would prevent the owner from just reapplying and/or doing an HSL immediately in another location.)

H. Permit Renewal.

1. Permit Renewal Procedures.

The Community Development Director shall review the request as an Administrative Review for compliance with the requirements of a Home Stay Lodging as noted in this Ordinance in accordance with the following:

- a. Applications for permit renewal shall be submitted on a form provided by the City and shall include a filing fee as set by Resolution.
- b. Permit renewal requests shall be submitted to the Community Development Department prior to permit expiration on December 31.
- c. The Community Development Director may determine that a permit renewal should be reviewed by the City Council in lieu of an

Administrative Review to protect the best interests of the surrounding property or neighborhood or the City as a whole.

(Annotated: Renewals would be done Administratively unless the Director determines that review should be made by the City Council due to issues with the facility, etc.)

- d. A copy of the Renewal Request may be forwarded as necessary to the Fire Department, Police Department, Building Official, and/or any other applicable agency for review and comment.
- e. The Administrative decision and/or City Council decision concerning a permit renewal may occur after the permit would have expired if a timely renewal request for the permit has been filed.

2. Permit Renewal Criteria.

The permit renewal shall be denied for the following reasons:

- a. Failure to comply with any of the requirements of a Home Stay Lodging facility identified in this Ordinance and/or the Astoria Development Code.
- b. Outstanding, unresolved code enforcement issues and/or code violations concerning the operation of the facility.
- c. Two or more code violations within the previous 12-month period.

(Annotated: Need to be clear what constitutes denial of a renewal.)

3. Notification of Renewal Decision and/or Cease of Operation.

- a. Approval of the Request.

The applicant shall be notified by Regular Mail of the approval of a Renewal Request by the Community Development Director and/or City Council.

- b. Denial of the Request.

The applicant shall be notified by Certified Mail of the denial of the permit Renewal Request by the Community Development Director and/or City Council. The Notice shall state the reasons for the denial.

No new reservations may be made if a permit renewal is denied. Current reservations for up to the next 30 days after notification may be honored.

(Annotated: The guest is not at fault when an owner violates the permit and does not get a permit renewal. It seems reasonable to allow guests to keep

their reservations for up to 30 days as it may be hard for them to find alternative lodging on such short notice. This is what we have done in the past on enforcement issues.)

c. Limitations on Refiling an Application.

Applications for which a substantially similar application has been denied will be considered and reviewed by the Community Development Director only after a period of six (6) months has elapsed from date of the earlier decision, unless the Director finds that special circumstances justify earlier reapplication.

(Annotated: This would prevent the applicant who gets a renewal denied from immediately applying for a new permit.)

I. Violation – Penalty.

Any violation of Section *** is a public nuisance and is punishable as provided in Astoria Code Section 1.010.1. Each day that a violation of this code is committed or permitted to continue constitutes a separate offense. In addition, the following conduct constitutes a violation of this Ordinance:

1. Providing false information in the application for license or license renewal.
2. Advertising, renting, using, offering or representing for use, occupancy or rent, a Home Stay Lodging facility in a manner that does not comply with the standards of this Ordinance, including but not limited to failure to hold a valid Home Stay Lodging Permit, failure to maintain or provide on request of the City the required guest register, change in advertising platform, change in ownership and/or owner occupancy of the building as their primary residence.

(Annotated: This allows for enforcement when you find an advertisement for a non-permitted HSL so that it becomes a violation to advertise and is enforceable with a citation.)

3. Owner failing to comply with the licensing/permit, operational requirements and/or standards of this Ordinance. Evidence proving any of the following establishes a rebuttal presumption of violation of these standards:
 - a. The guests of the Home Stay Lodging facility created noise, disturbance, or a nuisance in violation of the Astoria City Municipal Code.
 - b. The guests of the Home Stay Lodging facility violated State and/or City law pertaining to the consumption of alcohol or the use of illegal drugs.
 - c. The guests of the Home Stay Lodging facility violated State and/or City law pertaining to parking.

J. Enforcement.

In addition to any other method of enforcement available to the City, the provision of this ordinance may be enforced by the issuance of citations by duly appointed enforcement officers pursuant to Astoria Code Section 6.135 and/or in accordance with City Code Section 8.999 "Additional Remedies".

The Community Development Director and/or City Council may revoke or suspend the permit at any time, with or without notice, for failure of the licensee to comply with any of the provisions of this Code which provide for the regulation of a Home Stay Lodging facility.

The applicant shall be notified by Certified Mail of the denial, suspension, or revocation of the permit by the Community Development Director and/or City Council, stating the reasons for the action. No new reservations may be made if a permit is denied, suspended, or revoked. Current reservations for up to the next 30 days after notification may be honored.

(Annotated: The guest is not at fault when an owner violates the permit. It seems reasonable to allow guests to keep their reservations for up to 30 days as it may be hard for them to find alternative lodging on such short notice. This is what we have done in the past on enforcement issues. The owner is in violation if they make new reservations which is captured in 1.2 and 1.3 above.)

K. Appeals.

The decision of the Community Development Director may be appealed to the City Council as outlined in City Code Section 8.045.16. The decision may be appealed by filing an appeal within 15 calendar days of the date that the decision was mailed. Appeals shall be submitted to the Community Development Director on a form provided by the City and with payment of the appeal fee as set by Resolution.

(Annotated: If the violation enforcement is HSL permit, OT or Transient Room Tax related, the City Council would be the appeal board, but if it is more zoning related like parking, etc., it would go to APC or Community Development Director.)

DEVELOPMENT CODE

(Annotate: Development Code amendments are needed to coincide with the City Code amendments so there is no conflict.)

Section 1.400, Definitions, delete existing definition and replace to read as follows:

BED AND BREAKFAST: Any transient lodging facility which contains between three (3) and seven (7) guest bedrooms, which is owner or manager occupied, and which provides a morning meal. This includes any accommodation meeting these requirements including facilities known as Airbnb, VRBO, or other such transient lodging identification.

(Annotated: Do they need to provide a morning meal? B&B is allowed as follows: Outright Use: C-2, C-3, S-2A, HR, LS, Conditional Use: R-1, R-2, R-3, C-4, A-2, A-2A, A-3 in existing bldg, S-2, MH, AH-MP.)

HOME STAY LODGING: A transient lodging facility with no more than two (2) bedrooms available for transient rental, and which is owner occupied. This includes any accommodation meeting these requirements including facilities known as Airbnb, VRBO, or other such transient lodging identification. Such facilities may or may not provide a morning meal.

HOTEL: A building in which lodging is provided for guests for compensation.

(No change)

MOTEL: ~~Same as "Hotel".~~ A building in which lodging is provided for guests for compensation and where the majority of rooms have direct access to the outside without the necessity of passing through the main lobby of the building.

Section 1.400, Definitions, add the following definitions:

OWNER OCCUPIED: Occupancy of the building by the owner of the property as their primary residence, and at the same time as the guest occupancy. Owner shall include those individuals, partnerships, corporations, or public agencies holding fee simple title to property, or a purchaser under a recorded instrument of sale. This does not include an agent of the owner, renter, non-resident family member, those holding easements, leaseholds, or purchasers of less than fee interest.

PRIMARY RESIDENCE: Dwelling or place where an individual is actually living at a specific point in time and intends to maintain as his or her permanent home for a minimum of six months of the year.

(Annotated: This is included to help avoid the issue such as person living in an adjacent home and only staying in the transient building on occasions, and to help maintain the housing stock so a building is not just used occasionally as a dwelling.)

TRANSIENT: Any individual who exercises occupancy or is entitled to occupancy in a structure for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days. The day a transient guest checks out of the facility shall not be included in determining the 30-day period if the transient is not charged rent for that day by the operator. Any such individual so occupying space in a facility shall be deemed to be a transient until the period of 30 days has expired. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this ordinance may be considered. A person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a transient.

(Annotated: This is similar to the definition for Occupational Tax purposes but removes reference to hotels and allowable extended occupancies.)

TRANSIENT LODGING FACILITY: Any structure or portion of any structure which is occupied or intended or designed for transient occupancy for 30 days or less for dwelling, lodging, or sleeping purposes, and includes any hotel, motel, inn, condominium, tourist home or house, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity, sorority, public or private club, bed and breakfast establishment, home stay lodging, vacation rental, or other such transient lodging facility. Transient Lodging Facility also means space in mobile home or trailer parks, or similar structure of space or portions thereof so occupied, provided such occupancy is for less than a 30-day period. A short term lodging facility available for transient rental, that is not otherwise defined in this Code. This includes facilities known as Airbnb, VRBO, or other such transient lodging identification.

(Annotated: With the addition of these other definitions, we would eliminate the reference to “other tourist lodging facility” in the Development Code so there is no confusion as to which classification each use is in? What other configuration of lodging facility could there be? The term “other tourist lodging facility is used in the C-2, C-3, C-4, MH zones only)

VACATION RENTAL: A transient lodging facility available for transient rental, and which is not occupied by an owner or manager at the same time as the guests. This includes any accommodation meeting these requirements including facilities known as Airbnb, VRBO, or other such transient lodging identification. For the purposes of this Code, a Vacation Rental is classified the same as a “hotel” or “motel”.

(Annotated: This would clarify what we already do in classifying vacation rentals as a hotel which limits them to commercial zones. This is intended to protect a SFD from being used for transient lodging without an owner on-site which reduces the permanent available housing.)

Section 2.025.8; 2.065.6; 2.155.7 (R-1 conditional use, R-2 outright use, R-3 outright use, zone list of allowable uses) to be replaced to read as follows:

Home Stay Lodging, which satisfies requirements in City Code Section 5.***.

Section 2.585.14.b; 14.132.1.b (A-3 conditional use, A-4 conditional use, zone list of allowable uses) to be replaced to read as follows:

Bed and breakfast, home stay lodging (which satisfies requirements in City Code Section 5.***), or inn.

Section 2.350.3 (C-2 outright use), to be replaced to read as follows:

- 3. Motel, hotel, bed and breakfast, inn, home stay lodging (which satisfies requirements in City Code Section 5.***), ~~or other tourist lodging facility~~ and associated uses.

Section 2.390.10 (C-3 outright use), to be replaced to read as follows:

- 10. Motel, hotel, bed and breakfast, inn, home stay lodging (which satisfies requirements in City Code Section 5.***), ~~or other tourist lodging facility~~ and associated uses.

Section 2.435.4 (C-4 conditional use), to be replaced to read as follows:

- 4. Motel, hotel, bed and breakfast, inn, home stay lodging (which satisfies requirements in City Code Section 5.***), ~~or other tourist lodging facility~~ and associated uses.

Section 2.894.2 (MH conditional use), to be replaced to read as follows:

- 2. Bed and breakfast, inn, or home stay lodging (which satisfies requirements in City Code Section 5.***), ~~or other tourist lodging facility~~.

Section 8.160.A.1 (signs in residential zones) to be replaced to read as follows:

Sites with 1 or 2 dwelling units in a building, Home Occupations, and Home Stay Lodging.

Section 8.160.A.3 (signs in residential zones) to be replaced to read as follows:

Conditional Uses, except Home Stay Lodging.

Section 3.020.B.9 (Accessory Dwelling Unit) to be replaced to read as follows:

Home Stay Lodging is prohibited on properties with an accessory dwelling unit.
~~Homestay lodging is prohibited in accessory dwelling units created after May 17, 2017.~~

Section 7.100, Off-Street Parking Space Requirements by Use, to be replaced to read as follows:

<u>Use Category</u>	<u>Minimum Parking per Land Use</u>
Bed and Breakfast, Inn	1 additional space for each bedroom used for transient lodging plus spaces required for <u>the dwelling and</u> associated uses such as assembly areas or restaurant.
Home Stay Lodging	1 additional space for each bedroom used for transient lodging plus spaces required <u>for the dwelling</u> .

(Annotate: This separated Home Stay Lodging from B&B as HSL cannot have the associated uses.)

Hotels, Motels, other transient lodging facilities not listed, and similar uses (no change)

Section 9.010, Summary of Review Type, "Home Stay Lodging" to be replaced to read as follows:

<u>Approvals</u>	<u>Review Procedures</u>	<u>Applicable Regulations</u>
Home Stay Lodging	Type I & Type III	<u>City Code Section 5.***</u> <u>Section 11.180</u>

Section 9.010, Summary of Review Type, "Home Occupation" to be replaced to read as follows:

<u>Approvals</u>	<u>Review Procedures</u>	<u>Applicable Regulations</u>
Home Occupation	Class A: <u>Type I</u> No permit Class B: Type II	Section 3.095

(Annotated: This is included to correct an error in a previous code amendment.)

Section 9.020.C, PUBLIC NOTICE, Published Notice to be replaced to read as follows:

Notice shall be given for any proposed administrative/staff review with notice (Type II), quasi-judicial (Type III), or legislative (Type IV) land use action by publication in a newspaper of general circulation in the City of Astoria.

(Annotated: This is included to correct an error in a previous code amendment.)

Section 11.180, HOME STAY LODGING, (Conditional Use Standards) added to read as follows:

1. In addition to the Conditional Use Standards of Article 11, a Home Stay Lodging Facility shall be subject to the requirements of City Code Section 5.****.
2. The Conditional Use shall be valid for a period not to exceed two years, from the date the permit is issued or renewed to December 31 of the second calendar year of the permit, unless otherwise stated. The Conditional Use for a Home Stay Lodging Facility may be extended for an additional two years in accordance with the Permit Renewal requirements of City Code Section 5.***.
3. The Conditional Use permit shall not be transferred to another person or location, other than that approved on the Conditional Use permit.
4. The Conditional Use Permit remains valid as long as the Home Stay Lodging Permit is valid.

5. Conditional Use permit renewals shall be reviewed administratively by the Community Development Director. The Community Development Director may determine that a Conditional Use permit renewal should be reviewed by the Planning Commission in lieu of an Administrative Review to protect the best interests of the surrounding property or neighborhood or the City as a whole.

(Annotated: Renewals would be done Administratively unless the Director determines that review should be made by the APC at a public hearing due to issues with the facility, etc. This would reduce the need for an APC meeting if there are no problems.)

Fee Resolution

Home Stay Lodging Permit without Conditional Use permit - \$250 Administrative
Home Stay Lodging Permit with Conditional Use permit (one fee) - \$500 Commission
Home Stay Lodging Permit Renewal, Administrative - \$150
Home Stay Lodging Permit Renewal, Astoria Planning Commission - \$250
Home Stay Lodging Fire/Life/Safety Inspection - \$200

(Annotated: Based on Class B Home Occupation and Miscellaneous Review Admin permits at \$200, we would suggest the fee for HSL permit be slightly higher as the HSL may require more review and enforcement than a Miscellaneous Review, and is an income producing venture. Conditional Use is \$500 and may also be required but to charge both may be extreme, so if a CU is required, the full fee for HSL and CU is \$500 rather than \$750. However, both permits would require separate review and staff time and Council may wish to require both permit fees to be paid. Renewals could be similar Extensions at \$100 or \$250. Again, we suggest slightly higher fee at \$250 for the same reasons as above. Need to determine time involved and the cost of the FLS inspection to set this fee.)

THE FOLLOWING CODES WOULD BE APPLICABLE AND ARE INCLUDED HERE JUST FOR REFERENCE.

City Code - Additional Remedies

8.999 Additional Remedies.

- (1) In addition to the penalties provided in this code and as separate and distinct remedies, the city may sue in any court of competent jurisdiction to obtain a judgment and enforce collection thereof by execution for any license fee due under Chapter 8 of this code.
- (2) The city may seek an injunction prohibiting a person from engaging in any unlicensed business.
- (3) In any action or suit authorized by this section, the city, if it prevails, shall recover a reasonable attorney's fee to be set by the court, in addition to its costs and disbursements.

City Code - Penalties

1.010 Penalties.

- (1) Except as otherwise provided in this section, a violation of a provision of this code may be punishable by imprisonment not to exceed one year, or by a fine not to exceed \$1,000, or by both fine and imprisonment. However, if there is a violation of a provision substantially similar to a state statute with a lesser penalty attached, punishment shall be limited to the lesser penalty prescribed in the state law.
- (2) Each violation of a separate provision of this code constitutes a separate offense, and each day that a violation of this code is committed or permitted to continue constitutes a separate offense.
- (3) Fines fees and costs imposed pursuant to Sections 5.680, 5.682, 5.720 are not subject to the limitations of Subsection (1) and the abatement of a nuisance under Section 5.706 through 5.728 is a remedy in addition to any penalty for violation of the Code. [Section 5.010(3) amended by Ordinance No. 11-04, passed February 7, 2011; and Ordinance 13-09, passed September 24, 2013.]
- (4) Violations of the Astoria Traffic Code are as follows:
 - (a) Violation of Section 6.050 subsection (1), 6.060 subsection (1), 6.100, 6.105 and 6.110, is punishable by a minimum fine of \$10.00, and not to exceed \$40.00, to be paid within 168 hours (seven days) of issuance of a parking ticket. If the fine is not paid within 168-hour (seven days), the fine shall increase to \$20.00 for each violation, and a Courtesy Notice will be sent to the violator or, registered owner of the vehicle. If this \$20.00 fine is not paid within ten days of the date of the Courtesy Notice, the fine shall increase to \$40.00 and a warrant for arrest may be issued by the Municipal Court.
 - (b) Violations of Sections 6.055, 6.060 subsection (2), (3) and (4), 6.065 to 6.085, 6.115, 6.150 to 6.170, 6.185, 6.205 to 6.230 and 6.250 to 6.270 is punishable by a minimum fine of \$25.00 and not to exceed \$55.00, to be paid within 168 hours (seven days) of issuance of a parking ticket. If this fine is not paid within the 168-hour (seven days) period, the fine shall increase to \$35.00 for each violation, and a Courtesy Notice will be sent to the violator or, registered owner of the vehicle. If the \$35.00 fine is not paid within ten days of the date of the Courtesy Notice, the fine shall increase to \$55.00 and a warrant for arrest may be issued by the Municipal Court.
 - (c) Violation of Sections 6.360 is punishable by a minimum fine of \$50.00 and not to exceed \$80.00, to be paid within 168 hours (seven days) of issuance of a parking ticket. If this fine is not paid within the 168-hour (seven days) period, the fine shall increase to \$60.00 for each violation, and a Courtesy Notice will be sent to the violator or, registered owner of the vehicle. If the \$60.00 fine is not paid within ten days of the date of the Courtesy Notice, the fine shall increase to \$80.00 and a warrant for arrest may be issued by the Municipal Court.
 - (d) When a warrant of arrest issued by the Municipal Court is served, the amount of bail shall be increased \$100."
- (5) Remedies for unlawful structures or land use.
 - (a) In case any land, building or other structure is used, advertised for use, or proposed to be used or, located, constructed, maintained, repaired, altered, or

used, in violation of a city ordinance or regulation designated to implement the city's comprehensive plan, the City Council may, in addition to other remedies provided by law or ordinance, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or remove the unlawful location, construction, maintenance, repair, alteration, or use. The City can also pursue action in Municipal Court or State Circuit Court.

- (b) The court may allow the City reasonable attorney fees and expenses in a judicial proceeding authorized by this section.
- (c) Nothing in this section requires the City Council to avail itself of a remedy allowed by this section or by any other law.
- (d) The City can pursue revocation of any permit issued.

1.015 Payment of Fines and Costs. ORS 161.645 and 161.665 to 161.685 (Oregon Criminal Code of 1971), as now or hereafter constituted, is adopted by reference and made a part of this code. However, references to state shall be deemed to refer to city.

TRANSIENT ROOM TAX WITH HOME STAY LODGING AND OTHER UPDATES

Annotated

October 3, 2018

(Annotated: The following proposed amendments updates terminology and includes the "third party" tax collection that is prevalent with Home Away, Airbnb, Travelocity, etc. Additional changes may be needed once the new proposed legislation is adopted in 2019 or 2020. However, currently some third-party entities require their clients to use them as the tax collector which is contrary to our current code process and needs to be addressed.)

City Code

Transient Room Taxes

8.045 The term "ordinance" in the following sections refers to sections 8.045.1 to 8.045.18 of the Astoria Code.

8.045.1 Definitions. Except where the context otherwise requires, the definitions given in this section govern the construction of this ordinance.

(Annotated: 1.000.d defines "Owner" for the entire City Code as "The person who holds title to real property or who is the contract purchaser of real property, of record, as shown on the last available complete assessment roll in the office of the county assessor." This would be applicable to this Ordinance also.)

- (a) "Hotel" Transient Lodging Facility: ~~means a~~ Any structure or portion of any structure which is occupied or intended or designed for transient occupancy for 30 days or less for dwelling, lodging, or sleeping purposes, and includes any hotel, motel, inn, condominium, tourist home or house, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity, sorority, public or private club, bed and breakfast establishment, home stay lodging, Airbnb vacation rental, or other such transient lodging facility (such as Airbnb, VRBO, etc.). Hotel Transient Lodging Facility also means space in mobile home or trailer parks, or similar structure of space or portions thereof so occupied, provided such occupancy is for less than a 30-day period. [Subsection (a) amended by Ordinance No. 90-07, Section 1, passed April 16, 1990.]

(Annotated: With the numerous terms used for short term rentals, the use of the word "Hotel" in the Transient Room Tax code, does not seem appropriate and is misleading. The common terms used by many cities is either "Transient Lodging Facility" or "Short Term Rental" which in some cases is used for residential properties only, not hotels/motels.)

- (b) "City council" means City Council: The City Council of the City of Astoria, Oregon.
- (c) "Occupancy" means Occupancy: The use or possession, or the right to the use or possession for lodging or sleeping purposes of any room or rooms in a ~~hotel~~ Transient Lodging Facility, or space in a mobile home or trailer park or portion thereof.

- (d) Operator: The person who is the proprietor of the Hotel Transient Lodging Facility in any capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this ordinance and shall have the same duties and liabilities as his principal. Compliance with the provision of this ordinance by either the principal or the managing agent shall be considered to be compliance by both.
- (e) Person: Any individual, firm, partnership, joint venture, association, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (f) Cash Accounting: ~~T "Cash accounting" means~~ the operator does not enter the rent due from a transient on his records until rent is paid.
- (g) Accrual Accounting: ~~T "Accrual accounting" means~~ the operator enters the rent due from a transient on his records when the rent is earned, whether or not it is paid.
- (h) Rent: ~~T "Rent" means~~ the consideration charged, whether or not received by the operator, for the occupancy of space in a Hotel Transient Lodging Facility, valued in money, goods, labor, credits, property, or other consideration valued in money, without any deduction.
- (i) Rent Package Plan: ~~T "Rent package plan" means~~ the consideration charged for both food and rent where a single rate is made for the total of both. The amount applicable to rent for determination of transient room tax under this ordinance shall be the same charge made for rent when consideration is not a part of a package plan.
- _____ The amount applicable to rent for determination of transient room tax under this ordinance shall be that amount allocated to space rent, taking into consideration a reasonable value of other items in the rent package, and taking into consideration the charge for rent when the space is rented separately and not included in a package plan.
- (j) Tax: ~~E "Tax" means~~ either the tax payable by the transient or the aggregate amount of taxes due from an operator during the period for which he is required to report his collections.
- (k) Tax Administrator: The Finance Director of the City of Astoria, Oregon or his designee.
- (l) Transient: ~~A "Transient" means~~ any individual who exercises occupancy or is entitled to occupancy in a Hotel Transient Lodging Facility for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days. The day a transient guest checks out of the Hotel Transient Lodging Facility shall not be included in determining the 30-day period if the transient is not charged rent for that day by the operator. Any such individual so occupying space in a Hotel Transient Lodging Facility shall be deemed to be a transient until the period of 30 days has expired, unless there

is an agreement in writing between the operator and the occupant providing for a longer period of occupancy, or the tenancy actually extends more than 30 consecutive days. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this ordinance may be considered. A person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a transient. [Section 8.045.1 added by Section 1 of Ordinance No. 7505, passed June 2, 1975.]

(m) Transient Lodging Facility Intermediary: A person, firm, or other third party entity other than a lodging provider that facilitates the retail sale of lodging and charges and collects the consideration charged including tax for occupancy of the lodging facility

(Annotated: This would be the third party such as Home Away, Airbnb, etc. that facilitates the rental and/or tax collection and payment.)

(n) Transient Lodging Tax Collector: An Operator or a Transient Lodging Facility Intermediary. Transient Lodging Tax Collector may also be referred to as "Operator".

(Annotated: With the increase in third party collection and payment of the tax, this is a term used by many cities to refer to both the operator and the third party collector.)

8.045.2 Tax Imposed.

For the privilege of occupancy in any ~~hotel~~Transient Lodging Facility on or after January 1, 2018, each transient shall pay a tax in the amount of 11 percent of the rent charged by the ~~operator~~Transient Lodging Tax Collector. The tax constitutes a debt owed by the transient to the City, which is extinguished only by payment by the ~~operator~~Transient Lodging Tax Collector to the City. The transient shall pay the tax to the ~~operator~~Transient Lodging Tax Collector of the ~~hotel~~Transient Lodging Facility at the time the rent is paid. The ~~operator~~Transient Lodging Tax Collector shall enter the tax on his records when the rent is collected, if the operator keeps his records on the cash accounting basis, and when earned if the operator keeps his records on the accrual accounting basis. If rent is paid in installments, a proportionate share of the tax shall be paid by the transient to the ~~operator~~Transient Lodging Tax Collector with each installment. In all cases, the rent paid or charged for occupancy shall exclude the sale of any goods, services, commodities, other than the furnishings of rooms, accommodations and space occupancy in mobile home parks or trailer parks."

[Section 8.045.2 added by Ordinance No. 75-05, passed June 2, 1975; amended by Ordinance No. 81-04, passed May 18, 1981; and Ordinance No. 90-07, passed April 16, 1990; amended by Ordinance No. 01-13, passed November 19, 2001.]

8.045.3 Collection of Tax by ~~Operator~~Transient Lodging Tax Collector; Rules for Collection.

(a) Every operator renting rooms or space for lodging or sleeping purposes in this City, the occupancy of which is not exempted under the terms of this ordinance, shall collect a tax from the occupant. The tax collected or accrued by the ~~operator~~Transient Lodging Tax Collector constitutes a debt owed by the ~~operator~~Transient Lodging Tax Collector to the City.

- (b) In all cases of credit or deferred payment of rent, the payment of tax to the ~~operator~~Transient Lodging Tax Collector may be deferred until the rent is paid, and the ~~operator~~Transient Lodging Tax Collector shall not be liable for the tax until credits are paid or deferred payments are made. Adjustments may be made for uncollectibles.
- (c) The tax administrator shall enforce provisions of this ordinance and shall have the power to adopt rules and regulations, approved by the City Manager, not inconsistent with this ordinance, as may be necessary to aid in the enforcement.
- (d) For rent collected on portions of a dollar, fractions of a penny of tax shall not be remitted. [Section 8.045.3 added by Section 3 of Ordinance No. 75-05, passed June 2, 1975.]
- (e) In the case of the tax collection and payment by other than the Operator, the Transient Lodging Facility Intermediary shall enter into a written agreement with the City for said tax collection and payment prior to start of operation as a third party tax collector.

8.045.4 Transient Lodging Tax Collector~~Operator~~'s Duties.

Each ~~operator~~Transient Lodging Tax Collector shall collect the tax imposed by this ordinance at the same time as the rent is collected from every transient. The amount of tax shall be separately stated upon the ~~operator~~Transient Lodging Tax Collector's records and any receipt rendered by the ~~operator~~Transient Lodging Tax Collector. No ~~operator~~Transient Lodging Tax Collector of a ~~hotel~~Transient Lodging Facility shall advertise that the tax or any part of the tax will be assumed or absorbed by the ~~operator~~Transient Lodging Tax Collector, or that it will not be added to the rent, or that, when added, any part will be refunded, except in the manner provided by this ordinance. [Section 8.045.4 added by Section 4 of Ordinance No. 75-05, passed June 2, 1975.]

8.045.5 Exemptions.

No tax imposed under this ordinance shall be imposed upon:

- (a) Any occupant for more than 30 successive calendar days. (A person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a transient.)
- (b) Any occupant whose rent is of a value less ~~then~~than \$2.00 per day.
- ~~(c) Any person who rents a private home, vacation cabin, or like facility from any owner who rents such facilities incidentally to his own use thereof.~~

(Annotated: This has caused confusion as to who need to pay the tax for B&B uses. City Attorney has said they need to pay, but it may be good to just delete this Section as it does not make sense.)

- (d) Any occupant whose rent is paid for hospital room or to a medical clinic, convalescent home or home for the aged people, or to a public institution owned and operated by a

unit of government. [Section 8.045.5 added by Section 5 of Ordinance No. 75-05, passed June 2, 1975.]

8.045.6 Registration of Operator; Form and Contents; Execution; Certification of Authority.

(a) Every person engaging or about to engage in business as an operator of a ~~hotel~~Transient Lodging Facility in this City shall register with the tax administrator on a form provided by him. Operators engaged in business at the time this ordinance is adopted must register not later than 30 calendar days after passage of this ordinance. Operators starting business after this ordinance is adopted must register within 15 days after commencing business. The privilege of registration after the date of imposition of such tax shall not relieve any person from the obligation of payment or collection of tax regardless of registration.

(b) Registration sets forth the following:

- (1) Name under which the operator transacts or intends to transact business; and
- (2) ~~The~~ location of his place or places of business; and
- (3) Name and address of the real property owner of the business location; and
- (4) ~~Third party~~ identification number if utilizing a Transient Lodging Facility Intermediary; and
- (5) Such other information to facilitate the collection of the tax as the tax administrator may require.

(c) The registration shall be signed by the operator.

(d) The tax administrator shall, within 10 days after registration, issue without charge a certificate of authority to each registrant to collect the tax from the occupant, together with a duplicate thereof for each additional place of business of each registrant. Certificates shall be non-assignable and nontransferable, and shall be surrendered immediately to the tax administrator upon the cessation of business at the location named or upon its sale or transfer. Each certificate and duplicate shall state the place of business to which it is applicable and shall be prominently displayed therein so as to be seen and come to the notice readily of all occupants and persons seeking occupancy.

(e) Said certificate shall, among other things, state the following:

- (1) The name of the operator.
- (2) The address of the ~~hotel~~Transient Lodging Facility.
- (3) The date upon which the certificate was issued.
- (4) "This transient occupancy registration certificate signifies that the person named on the face hereof has fulfilled the requirements of the transient lodgings tax ordinance of the City of Astoria by registration with the tax administrator for the purpose of collecting from transients the lodging tax imposed by said city and remitting said tax to the tax administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business

in an unlawful manner, or to operate a ~~hotel~~Transient Lodging Facility without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of the City of Astoria. This certificate does not constitute a permit." [Section 8.045.6 added by Section 6 of Ordinance No. 75-05, passed June 2, 1975.]

8.045.7 Due Date; Returns and Payments.

- (a) The tax imposed by this ordinance shall be paid by the transient to the ~~operator~~Transient Lodging Tax Collector at the time that rent is paid. All amounts of such taxes collected by any ~~operator~~Transient Lodging Tax Collector are due and payable to the tax administrator on a ~~quarterly~~monthly basis on the 15th day of the following month~~for the preceding three months~~, and are delinquent on the last day of the month in which they are due. The tax administrator has authority to classify and/or district the ~~operator~~Transient Lodging Tax Collectors for determination of applicable tax periods and shall notify each ~~operator~~Transient Lodging Tax Collector of the due and delinquent dates for the ~~operator~~Transient Lodging Tax Collector's returns. The initial return under this ordinance may be for less than the three months preceding the due date; thereafter, returns shall be made for the applicable monthly~~quarterly~~ period.

(Annotated: From the notes, it appeared you wanted monthly payments, not quarterly like hotels. Finance has indicated that most taxes are paid monthly and for accounting purposes, it would be more beneficial to collect on a monthly basis so the amount delinquent is not as substantial.)

- (b) On or before the 15th day of the month following each ~~month~~quarter of collection, a return for the preceding ~~month~~quarter's tax collections shall be filed with the tax administrator. The return shall be filed in such form as the tax administrator may prescribe by every ~~operator~~Transient Lodging Tax Collector liable for payment of tax.
- (c) Returns shall show the amount of tax collected or otherwise due for the related period. The tax administrator may require returns to show the total rentals upon which tax was collected or otherwise due, gross receipts of ~~operator~~Transient Lodging Tax Collector for such period and an explanation in detail of any discrepancy between such amounts, and the amount of rents exempt, if any.

(1) If the return is submitted by a Transient Lodging Facility Intermediary, the return shall list the identification number of the Transient Lodging Facility and the amount remitted for that specific facility.

(Annotate: this is included as the City needs to know if a facility is delinquent and if there is no accounting by address, then there would be no ability to enforce for non-payment. This does not require that the Intermediary give us the address as we will cross reference the ID number with the one that the operator is required to provide to us.)

- (d) The person required to file the return shall deliver the return, together with the remittance of the amount of the tax due, to the tax administrator at his office, either by

personal delivery or by mail. If the return is mailed, the postmark shall be considered the date of delivery for determining delinquencies.

- (e) For good cause, the tax administrator may extend for not to exceed one month the time for making any return or payment of tax. No further extension shall be granted, except by the City Council. Any ~~operator~~Transient Lodging Tax Collector to whom an extension is granted shall pay interest at the rate of one-half of 1 percent per month on the amount of tax due without proration for a fraction of a month. If a return is not filed, and the tax and interest due is not paid by the end of the extension granted, then the interest shall become a part of the tax for computation of penalties described elsewhere in this ordinance.
- (f) The tax administrator, if he deems it necessary in order to insure payment or facilitate collection by the City of the amount of taxes in an individual case, may require returns and payment of the amount of taxes for other than ~~quarterly~~monthly periods. [Section 8.045.7 added by Section 7 of Ordinance No. 75-05, passed June 2, 1975.]

8.045.8 Penalties and Interest.

- (a) Original delinquency.

Any ~~operator~~Transient Lodging Tax Collector who has not been granted an extension of time for remittance of tax due and who fails to remit any tax imposed by this ordinance prior to delinquency shall pay 10 percent of the amount of the tax due in addition to the amount of the tax.

- (b) Continued delinquency.

Any ~~operator~~Transient Lodging Tax Collector who has not been granted an extension of time for remittance of tax due, and who failed to pay any delinquent remittance on or before a period of 30 days following the date on which the remittance first became delinquent, shall pay a second delinquency penalty of 15 percent of the amount of the tax due plus the amount of the tax and the 10 percent penalty first imposed.

- (c) Fraud.

If the tax administrator determines that the nonpayment of any remittance due under this ordinance is due to fraud or intent to evade the provisions thereof, a penalty of 25 percent of the amount of the tax shall be added thereto in addition to the penalties stated in Subsections (a) and (b) of this section.

- (d) Interest.

In addition to the penalties imposed, any ~~operator~~Transient Lodging Tax Collector who fails to remit any tax imposed by this ordinance shall pay interest at the rate of 1 percent per month or fraction thereof without proration for portions of a month, on the amount of the tax due exclusive of penalties from the date on which the remittance first became delinquent, until paid.

- (e) Penalties merged with tax.

Every penalty imposed and such interest as accrues under the provisions of this section shall be merged with and become a part of the tax herein required to be paid.

- (f) Petition for waiver.

Any ~~operator~~Transient Lodging Tax Collector who fails to remit the tax herein levied within the time herein stated shall pay the penalties herein stated; provided, however, the ~~operator~~Transient Lodging Tax Collector may petition the City Council for waiver and refund of the penalty or any portion thereof, and the City Council may, if a good and sufficient reason is shown, waive and direct a refund of the penalty or any portion thereof. [Section 8.045.8 added by Section 8 of Ordinance No. 75-05, passed June 2, 1975.]

8.045.9 Deficiency Determinations; Evasion; ~~Operator~~Transient Lodging Tax Collector Delay.

- (a) Deficiency determinations. If the tax administrator determines that the returns are incorrect, he may compute and determine the amount required to be paid upon the basis of the facts contained in the return or returns, or upon the basis of any information within his possession or that may come into his possession. One or more deficiency determination may be made of the amount due for one or more than one period, and the amount so determined shall be due and payable immediately upon service of notice as herein provided, after which the amount determined is delinquent. Penalties on deficiencies shall be applied as set forth in Section 8.045.8.
- (1) In making a determination, the tax administrator may offset overpayments, if any, which may have been previously made for a period or periods against any underpayment for a subsequent period or periods, or against penalties and interest on the underpayments. The interest on underpayments shall be computed in the manner set forth in Section 8.045.8.
- (2) The tax administrator shall give to the ~~operator~~Transient Lodging Tax Collector or occupant a written notice of his determination. The notice may be served personally or by mail. If by mail, the notice shall be addressed to the ~~operator~~Transient Lodging Tax Collector at his address as it appears on the records of the tax administrator. In case of service by mail of any notice required by this ordinance, notice shall be served by registered mail, postage prepaid, return receipt requested.
- (3) Except in the case of fraud or intent to evade this ordinance or authorized rules and regulations, every deficiency determination shall be made and notice thereof mailed within three years after the last day of the month following the close of the ~~monthly~~quarterly period for which the amount is proposed to be determined, or within three years after the return is filed, whichever period expires later.
- (4) Any determination shall become due and payable immediately upon receipt of notice, and shall become final within 20 days after the tax administrator has

given notice thereof; provided, however, the ~~operator~~Transient Lodging Tax Collector may petition redemption and refund if the petition is filed before the determination becomes final as herein provided.

(b) Fraud; refusal to collect; evasion.

If any ~~operator~~Transient Lodging Tax Collector shall fail or refuse to collect said tax or to make, within the time provided in this ordinance, any report or remittance of said tax or any portion thereof required by this ordinance, or makes a fraudulent return or otherwise ~~willfully~~willfully attempts to evade this ordinance, the tax administrator shall proceed in such manner as he may deem best to obtain the facts and information on which to base an estimate of the tax due. As soon as the tax administrator has determined the tax due that is imposed by this ordinance from any ~~operator~~Transient Lodging Tax Collector who has failed or refused to collect the same and to report and remit said tax, he shall proceed to determine and assess against such ~~operator~~Transient Lodging Tax Collector the tax, interest and penalties provided for by this ordinance. In case such determination is made, the tax administrator shall give a notice in the manner aforesaid of the amount so assessed. Such determination and notice shall be made and mailed within three years of the discovery by the tax administrator of any fraud, intent to evade or failure or refusal to collect said tax, or failure to file return. Any determination shall become due and payable upon receipt of notice, and shall become final within 20 days after the tax administrator has given notice thereof; provided, however, the ~~operator~~Transient Lodging Tax Collector may petition for redemption refund if the petition is filed before the determination becomes final as herein provided.

(c) ~~Operator~~Transient Lodging Tax Collector delay.

If the tax administrator believes that the collection of any tax or any amount of tax required to be collected and paid to the City will be jeopardized by delay, or if any determination will be jeopardized by delay, he shall thereupon make a determination of the tax or amount of tax required to be collected, noting the fact upon the determination. The amount so determined, as herein provided, shall be immediately due and payable, and the ~~operator~~Transient Lodging Tax Collector shall immediately pay such determination to the tax administrator after service of notice thereof; provided, however, the ~~operator~~Transient Lodging Tax Collector may petition, after payment has been made, for redemption and refund of such determination if the petition is filed within 20 days from the date of service of notice by the tax administrator. [Section 8.045.9 added by Section 9 of Ordinance No. 75-05, passed June 2, 1975.]

8.045.10 Redeterminations.

- (a) Any person against whom a determination is made under Section 8.045.9, or any person directly interested, may petition for a redetermination and redemption and refund within the time required in Section 8.045.9. If a petition for redetermination and refund is not filed within the time required in Section 8.045.9, the determination becomes final at the expiration of the allowable time.

- (b) If a petition for redetermination and refund is filed within the allowable period, the tax administrator shall reconsider the determination and, if the person has so requested in his petition, shall grant the person an oral hearing, and shall give him 20 days' notice of the time and place of the hearing. The tax administrator may continue the hearing from time to time as may be necessary.
- (c) The tax administrator may decrease or increase the amount of the determination as a result of the hearing, and if an increase is determined, such increase shall be payable immediately after the hearing.
- (d) The order or decision of the tax administrator upon a petition for redetermination of redemption and refund becomes final 20 days after service upon the petitioner of notice thereof, unless appeal of such order or decision is filed with the transient lodgings tax review committee within the 20 days after the service of such notice.
- (e) No petition for redetermination of redemption and refund or appeal therefrom shall be effective for any purpose unless the ~~operator~~Transient Lodging Tax Collector has first complied with the payment provisions hereof. [Section 8.045.10 added by Section 10 of Ordinance No. 75-05 passed June 2, 1975.]

8.045.11 Security for Collection of Tax.

- (a) The tax administrator, whenever he deems it necessary to insure the compliance with this ordinance, may require the ~~operator~~Transient Lodging Tax Collector subject thereto to deposit with him such security in the form of cash, bond or other security in the amount of 25% of the quarterly average or higher as the tax administrator may determine. The amount of the security shall be fixed by the tax administrator but shall not be greater than twice the ~~operator~~Transient Lodging Tax Collector's estimated average applicable monthly quarterly liability for the period for which he files returns, determined in such a manner as the tax administrator deems proper, or \$5,000.00, whichever amount is less. The amount of security may be increased or decreased by the tax administrator subject to limitations herein provided. The ~~operator~~Transient Lodging Tax Collector has a right to appeal to the City Council any decision of the tax administrator made pursuant to this section. The ~~operator~~Transient Lodging Tax Collector's right to appeal is pursuant to Section 8.045.16 herein.
- (b) At any time within three years after any tax or any amount of tax required to be collected becomes due and payable, or at any time within three years after any determination becomes final, the tax administrator may bring any action in the courts of this State, or any other state, or of the United States, in the name of the City, to collect the amount delinquent, together with penalties and interest. [Section 8.045.11 added by Section 11 of Ordinance No. 75-05, passed June 2, 1975.]

8.045.12 Lien.

- (a) The tax imposed by Sections 8.045.1 to 8.045.17, together with the interest and penalties therein provided, and advertising costs which may be incurred when the same becomes delinquent, as set forth herein, shall be and, until paid, remain a lien from the date of its recording in the lien docket of the City and superior to all

subsequent recorded liens on all real and tangible personal property, used in the ~~hotel~~Transient Lodging Facility of an operator within the City of Astoria, and may be foreclosed on and sold as may be necessary to discharge said lien. A lien shall be recorded by the tax administrator or his deputy whenever the ~~operator~~Transient Lodging Tax Collector is in default in payment of said tax and the lien is ordered by a resolution of the City Council. The lien shall be entered in the lien docket and on an electronic lien service provider such as "Net Assets" for the full value with separate amounts for tax and penalty. Interest shall commence from the date of entry in the lien docket. Interest shall accrue on the tax portion of the lien at 1 percent per month or fraction thereof without proration for portion of month.

(b) In addition to the lien against the operator's property as noted in Section 8.045.12(a), the tax imposed by this Chapter, together with the interest and penalties provided in this Chapter, shall be and until paid remain a lien from the date of its docketing with the City Manager of the City against the real property occupied by the Transient Lodging Facility, regardless of the ownership of said property. Recording of the lien shall be in accordance with Section 8.045.12(a).

(Annotated: This would allow the City to do a lien against the property owner if different than the operator. Legality of this section needs to be researched by City Attorney.)

(c) In the case of a Transient Lodging Facility Intermediary, the tax imposed by this Chapter, together with the interest and penalties provided in this Chapter, shall be and until paid remain a lien from the date of its docketing with the City Manager of the City against all property of the Transient Lodging Facility Intermediary as authorized by local, State or Federal law. This lien shall have priority over all other liens and encumbrances of any character. The lien may be foreclosed on as provided by local, State or Federal law. Recording of the lien shall be in accordance with Section 8.045.12(a).

(Annotated: This would allow the City to do a lien against the third party tax collector such as Home Away or Airbnb, etc. Similar language was found in another city ordinance. Legality of this section needs to be researched by City Attorney.)

(d) The lien shall be enforced as provided in Sections 2.185(3) to 2.185(5) of this code. [Section 8.045.12 added by Section 12 of Ordinance No. 75-05, passed June 2, 1975; and amended by Ordinance No. 79-02, passed February 5, 1979.]

8.045.13 Refunds.

(a) Refunds by the City to the ~~operator~~Transient Lodging Tax Collector.

Whenever the amount of any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the tax administrator under this ordinance, it may be refunded; provided, a verified claim in writing therefor, stating the specific reason upon which the claim is founded, is filed with the tax administrator within three years from the date of payment. The claim shall be made on forms provided by the tax administrator. If the claim is approved by the tax administrator, the

excess amount collected or paid may be refunded, or may be credited on any amount then due and payable from the ~~operator~~Transient Lodging Tax Collector from whom it was collected or by whom paid; and the balance may be refunded to such ~~operator~~Transient Lodging Tax Collector, his administrators, executors or assignees.

(b) Refunds by City to transient.

Whenever the tax required by this ordinance has been collected by an ~~operator~~Transient Lodging Tax Collector and deposited by ~~operator~~Transient Lodging Tax Collector with the tax administrator, and it is later determined that the tax was erroneously or illegally collected or received by the tax administrator, it may be refunded to the transient; provided, a verified claim in writing therefor, stating the specific reason on which the claim is founded, is filed with the tax administrator within three years from the date of payment.

(c) Refunds by ~~operator~~Transient Lodging Tax Collector to tenant.

Whenever the tax required by this ordinance has been collected by the ~~operator~~Transient Lodging Tax Collector and it is later determined that the tenant occupies the ~~hotel~~Transient Lodging Facility for a period exceeding 30 days without interruption, the ~~operator~~Transient Lodging Tax Collector shall refund to such tenant the tax previously collected by the ~~operator~~Transient Lodging Tax Collector from that tenant as a transient. The ~~operator~~Transient Lodging Tax Collector shall account for such collection and refund to the tax administrator. If the ~~operator~~Transient Lodging Tax Collector has remitted the tax prior to the refund or credit to the tenant, he shall be entitled to a corresponding refund under this section. [Section 9.045.13 added by Section 13 of Ordinance No. 75-05, passed June 2, 1975.]

8.045.14 Collection Fee.

Every ~~operator~~Transient Lodging Tax Collector liable for collection and remittance of the tax imposed by this ordinance may withhold 5 percent of the net tax herein collected, to cover the ~~operator~~Transient Lodging Tax Collector's expense in collection and remittance of said tax. [Section 9.045.14 added by Section 14 of Ordinance No. 75-05, passed June 2, 1975.]

8.045.15 Administration.

(a) [Subsection (a) repealed by Ordinance No. 87-10, passed May 18, 1987.]

(b) Records required from ~~operator~~Transient Lodging Tax Collectors, etc.

Every ~~operator~~Transient Lodging Tax Collector shall keep guest records of room sales and accounting books and records of the room sales. All records shall be retained by the ~~operator~~Transient Lodging Tax Collector for a period of three years and six months after they come into being.

(c) Examination of records; investigations.

The tax administrator, or any person authorized in writing by him, may examine during normal business hours the books, papers and accounting records relating to room sales of any ~~operator~~Transient Lodging Tax Collector, after notification to the ~~operator~~Transient Lodging Tax Collector liable for the tax, and may investigate the business of the ~~operator~~Transient Lodging Tax Collector in order to verify the accuracy of any return made or, if no return is made by the ~~operator~~Transient Lodging Tax Collector, to ascertain and determine the amount required to be paid.

(d) Confidential Character of Information Obtained.

City will comply with the Public Records Law of the State of Oregon relating to the confidentiality of and allowable disclosure of records, reports or returns submitted pursuant to this transient room tax ordinance. [Subsection 8.045.15(d) repealed and replaced by Ordinance No. 1010, passed November 1, 2010.]

Section 8.045.15 added by Section 15 of Ordinance No. 75-05, passed June 2, 1975; amended by Ordinance No. 87-10, passed May 18, 1987]

8.045.16 Appeals to City Council.

Any person aggrieved by any decision of the tax administrator may appeal to the City Council by filing notice of appeal with the tax administrator within 20 days of the serving or the mailing of the notice of the decision given by the tax administrator. The tax administrator shall transmit said notice of appeal together with the file of said appealed matter to the council, who shall fix a time and place for hearing such appeal from the decision of the tax administrator. The council shall give the appellant not less than 20 days' written notice of the time and place of hearing of said appealed matter. Action by the council on appeals shall be decided by a majority of the members of the council present at the meeting where such appeal is considered. [Section 8.045.16 added by Section 16 of Ordinance No. 75-05, passed June 2, 1975.]

8.045.17 Violations; Criminal and Civil Penalties and Remedies.

(a) Failure to Register or Report.

It is unlawful for any ~~operator~~Transient Lodging Tax Collector or other person so required to fail or refuse to register as required herein, or to furnish any return required to be made, or fail or refuse to furnish a supplemental return or other data required by the tax administrator or to render a false or fraudulent return. No person required to make, render, sign or verify any report shall make any false or fraudulent report with intent to defeat or evade the determination of any amount due required by this ordinance. Any person willfully violating any of the provisions of this ordinance shall be subject to the penalties provided in Section 1.010 of this Code.

(b) Nonpayment – Civil and Criminal Remedies and Penalties.

An ~~operator~~Transient Lodging Tax Collector who, having collected transient room tax, and failing to remit them to the City, may, in addition to the penalties and lien imposed by this ordinance, be subject to the penalties provided in Section 1.010 of this Code,

and be subject to civil action in a court of competent jurisdiction for conversion, money had and received or any other available civil remedy. At the City's discretion, the City may prosecute or have the ~~operator~~Transient Lodging Tax Collector prosecuted for a misdemeanor or felony, as the facts may warrant, when it appears the ~~operator~~Transient Lodging Tax Collector has committed theft as defined by Oregon statutes.

[Section 8.045.17 added by Sections 18 and 19 of Ordinance No. 75-05, passed June 2, 1975; amended by Ordinance No. 10-10, passed November 1, 2010.]

8.045.18 Distribution and Management of Funds.

The transient room tax collected will be deposited as follows:

- (a) Fifty-three and nine tenths (53.9%) of the total taxes collected shall be deposited into the General Fund to fund City services.
- (b) Forty-six and one tenth percent (46.1%) of 9% of transient room tax collections shall be deposited into the Promote Astoria Fund.
- (c) Thirty percent (30%) of 2% of transient room tax collections adopted in Ordinance 17-11 shall be deposited into the General Fund to fund City services.
- (d) Seventy percent (70%) of 2% of transient room tax collections adopted in Ordinance 17-11 shall be deposited into the Promote Astoria Fund.

The tax transferred to the Promote Astoria Fund shall be used for tourism promotion and tourism-related facilities as defined in ORS 320.300 for the City of Astoria and immediate-surrounding areas.

Organizations receiving funds from the Promote Astoria Fund shall enter into a contract with the City that will include a scope of work and budget to be approved annually by the Astoria City Council. The contract will designate how the funds will be expended by contracting organizations.

Contracting organizations shall provide semi-annual financial reports, by August 1 and February 1, covering the six months ended June 30 and December 31, respectively, of each year. These reports shall provide a verified listing of the expenditures with adequate narrative, so the City can be satisfied as to the appropriateness of the expenditures. In addition, the Budget Committee of the City shall review such reports during the budget process and recommend to the City Council the continuance, discontinuance, or changes to a contract each year.



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

Fee Paid Date _____ By _____

Fee: APC with CUP \$***
Administrative \$***

HSL _____

HOME STAY LODGING PERMIT

Property Address: _____

Lot _____ Block _____ Subdivision _____

Map _____ Tax Lot _____ Zone _____

Property Owner / Applicant Name: _____

Mailing Address: _____

Phone: _____ Business Phone: _____ Email: _____

Signature of Property Owner: _____ Date: _____

By signing this application, the property owner certifies that all information is correct, that the owner will reside in the dwelling as their primary residence, and that use of the property as a Home Stay Lodging facility will comply with all requirements of the permit.

HOME STAY LODGING: A transient lodging facility with no more than two (2) bedrooms available for transient rental, and which is owner occupied. This includes any accommodation meeting these requirements including facilities known as Airbnb, VRBO, or other such transient lodging identification. Such facilities may or may not provide a morning meal.

OWNER OCCUPIED: Occupancy of the building by the owner of the property as their primary residence, and at the same time as the guest occupancy. Owner shall include those individuals, partnerships, corporations, or public agencies holding fee simple title to property, or a purchaser under a recorded instrument of sale. This does not include an agent of the owner, renter, non-resident family member, those holding easements, leaseholds, or purchasers of less than fee interest.

PRIMARY RESIDENCE: Dwelling or place where an individual is actually living at a specific point in time and intends to maintain as his or her permanent home for a minimum of six months of the year.

Number of Bedrooms to be rented within Primary Residence: 1 2

Number of off-street parking spaces on-site provided: _____

Parking Variance required: Yes No:

Conditional Use Permit required (R-1 Zone): Yes No:

<i>For office use only:</i>			
Application Complete:		Permit Info Into D-Base:	
Labels Prepared:		Tentative APC Meeting Date:	
120 Days:		Tentative Administrative Publication Date:	

Home Stay Lodging Permit Checklist

Number of Bedrooms to be rented within Primary Residence: 1 2

Number of off-street parking spaces on-site provided: _____

Attached Documentation

Required documents to be submitted with application prior to operation:

- Parking Diagram - scaled site plan drawing including dimensions & location of dwelling and on-site parking (include current photos either printed and/or digital in .jpeg format)
- A scaled floor plan showing the location of the rooms to be used including location and size of egress windows in the transient lodging rooms.

- Signature of property owner verifying the following:
 - Affidavit of living on-site at same time as guests
 - Verification of occupancy:
 - Copy of ODL
 - Voter registration
 - Income tax statement
 - Clatsop County Tax Assessor Record
 - Affidavit of compliance with Health, Safety, Building, and Fire Codes, Traveler's Accommodation Statutes, and with the Uniform Housing Code

- Proof of home safety inspection
- Contact information of all property owners for the site
- Listing details for proposed advertising platforms including but not limited to Airbnb, VRBO, realtor, etc.
- Third party / advertising platform identification number for collection / remittance of transient room tax
- Draft notice to guests on available parking
- Draft notice to be posted at door and guest bedroom

For Office Use Only:

City Departments Reviews and Approvals

- | | | |
|--|------------|---------------------|
| <input type="checkbox"/> Approval by Finance Department: | date:_____ | staff initials_____ |
| <input type="checkbox"/> Approval by Community Development Department: | date:_____ | staff initials_____ |
| <input type="checkbox"/> Approval by Fire Department: | date:_____ | staff initials_____ |
| <input type="checkbox"/> Approval by Building Official: | date:_____ | staff initials_____ |
| <input type="checkbox"/> Approval by _____ | date:_____ | staff initials_____ |

Briefly address each of the following standards and how the proposed use complies:

1. Only one Home Stay Lodging facility is allowed per lot, parcel, or the aggregate of contiguous lots held in a single ownership. In the case of a condominium facility, each condominium unit may have a Home Stay Lodging facility in compliance with all other requirements.
-

2. The facility shall be occupied by the owner as their primary residence and at the same time as the guest occupancy. In the case of multiple dwelling units in one building such as a duplex or triplex, etc., the owner shall live in the same unit as the guests.
-

List other dwellings used as a part-time residence by owner with approximate dates of occupancy: _____

3. Home Stay Lodging facility shall not be located in an accessory structure on the lot or parcel, or the aggregate of contiguous lots held in a single ownership.
-

4. A Home Stay Lodging facility shall not be located on a lot, parcel, or the aggregate of contiguous lots held in a single ownership that also contains an Accessory Dwelling Unit.
-

5. It is the property owner's responsibility to assure that the Home Stay Lodging facility and all sleeping rooms remain in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, Traveler's Accommodation Statutes, and with the Uniform Housing Code.
-

6. Owner shall have a fire/life/safety inspection at the owner's expense with proof of the following minimum requirements:
 - a. Working smoke alarms present in all sleeping areas and common hallways outside bedrooms.
 - b. Working carbon monoxide detector present on each floor with CO producing device or in garage.
 - c. Annually inspected fire extinguishers present on each floor.
 - d. Locked Doors marked "NOT AN EXIT."
 - e. No combustibles or garbage stored against house or under eaves.

- f. Propane/Gas cylinders located away from house with adequate vehicle impact protection in place.
- g. Electrical panels accessible, clearly marked with wiring and covers in good shape.
- h. No combustible storage in equipment spaces, under stairs or in basement/crawl space.
- i. Fire Alarm / Sprinklers inspected annually if present.
- j. All exits unobstructed and able to be opened without special knowledge.

Date of Inspection with copy of inspection attached: _____

7. Signs shall conform to the sign requirements for the zone as specified in the Astoria Development Code Article 8.

Note any proposed signs: _____

8. The owner of a Home Stay Lodging facility shall obtain an Occupational Tax (business license) from the City of Astoria, and a permit from the State of Oregon and/or Clatsop County Health Department when required.

9. The owner shall register with the Finance Department and pay the Transient Room Tax as required in City Code Section 8.045.

10. Parking shall be provided in accordance with Development Code Article 7 unless a Variance is obtained. In addition to the requirements of Article 7, the following shall apply:
- a. The owner shall notify every guest / renter in writing of the required off-street parking and other parking spaces available to serve the transient rental guest.
 - b. Parking shall not, under any circumstances, hinder the path of any emergency vehicle.
 - c. Renters may be cited and fined under existing State and/or City law in the event they park illegally.

Provide copy of draft notice to guests: _____

11. The owner shall provide the City with the listing details for proposed advertising platforms including but not limited to Airbnb, VRBO, realtor, etc.

12. A Home Stay Lodging facility permit is non-transferable. Any change in property ownership shall require new Home Stay Lodging Permit approval.

13. The owner shall post a notice within the guest entry of the Home Stay Lodging facility and within the guest bedroom advising guests of compliance with City and State regulations including but not limited to: location of guest parking spaces; and creation of noise, disturbance, or a nuisance in violation of the Astoria City Municipal Code.

Provide copy of draft notice to guests: _____

<i>For office use only:</i>		DETERMINATION OF COMPLIANCE	
Date of Application:		Land Use Zone	
		Flood Zone	
Final Date for Comments:		Geologic Hazard Zone	

HSL Standards Verification		Comments
1. Only one HSL on site; floor plan		
2. Owner occupied		
3. Not in accessory structure		
4. No ADU on site		
5. Health, safety, & various codes compliance		
6. Fire/life/safety inspection		
7. Proposed signs, permit obtained		
8. OT & Health Dept review		
9. Transient Room Tax		
10. Parking & notices to guests; parking plan		
11. Advertising platforms & ID		
12. Non-transferable		
13. Entry notice posted		

Approved with following conditions

By: _____ Date: _____

Conditions:
