

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

A. License Required.

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

B. Use Restrictions – All Zones.

1. The room(s) for transient rental shall not include rooms within a recreational vehicle, travel trailer, or tent or other temporary shelter. Rooms within a detached or attached accessory dwelling unit are subject to HRMC 17.23.
2. The maximum occupancy for the dwelling shall be two persons per bedroom plus two additional persons. For example, a two-bedroom dwelling would have a maximum occupancy of six persons.
3. One (1) hard surfaced off-street parking space shall be provided for every two bedrooms. In calculating the number of spaces required, the total shall be rounded up. Parking areas shall not be located in the front yard. If the garage is to be utilized to meet the parking requirement, a photo of the interior of the garage shall be submitted to show the garage is available for parking. Required parking may be permitted on another lot within 250 feet of the subject property with a shared parking agreement or proof of legal parking access.

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

1. A hosted homeshare or vacation home rental is only permitted when it is an accessory use to the existing and continued residential use of a dwelling as the primary residence of the property owner. Proof of primary residence shall be provided in accordance with Chapter 5.10 of the Hood River Municipal Code.
2. The accessory use of a primary residence as a hosted homeshare or vacation home rental is limited to a total of ninety (90) days per calendar year.

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

1. Except as provided in subsection D6, any hosted homeshare or vacation home rental lawfully established and actually in existence prior to the effective date of this 2016 ordinance may continue as a legal nonconforming use subject to the following “amortization periods”:
 - a. Until 5 years from the adoption date of this ordinance, at which time use of the property shall come into compliance with the parking requirements in 17.04.115(B.3).
 - b. Until 7 years from the adoption date of this ordinance, at which time use of the property shall come into full compliance with the then-applicable provisions of this HRMC Title 17.

2. A hosted homeshare or vacation home rental in the R-1, R-2 and R-3 zones shall be deemed to be lawfully established and actually in existence if, at any time between January 1, 2013 and the effective date of this 2016 ordinance all of the following occurred:
 - a. The home was actually used as a hosted homeshare or vacation home rental as defined in HRMC 17.01.060;
 - b. The owner obtained from the City a Certificate of Authority to Collect Transient Room Tax; and
 - c. The owner actually paid a Hotel Tax to the City pursuant to HRMC Chapter 5.09.
3. The proponent of the nonconforming use status of a hosted homeshare or vacation home rental has the burden of proving by a preponderance of credible evidence all of the elements of a nonconforming hosted homeshare or vacation home rental.
4. In addition to proving the elements of a nonconforming hosted homeshare or vacation home rental as described in subsection D2 of this section, to maintain that status, the owner shall apply for a Short Term Rental Operating License under HRMC Chapter 5 within 60 days of the effective date of this 2016 Ordinance and maintain in good standing that License for the duration of the amortization periods provided in this section. Failure to maintain the Short Term Rental Operating License in good standing for the duration of the amortization periods shall result in the immediate termination of any nonconforming use status the home may otherwise have had by operation of law and without the need for any action by the City. The non-conforming use status provided for herein does not transfer with title to the property.
5. A valid non-conforming hosted homeshare or vacation home rental under this subsection D may be nonconforming with regard to subsection 17.04.115(B3, C1 and C2) requirements provided that the extent of the non-conformity with subsection C2 is limited to the maximum number of nights of transient rental which previously occurred in any one of the following calendar years: 2013, 2014, 2015 or 2016 to the effective date of this ordinance.
6. In the event that the amortization periods provided for herein are insufficient compensation for a property owner to recoup his or her reasonable investment in the property's actual use as a lawful transient rental (i.e., hosted homeshare or vacation home rental) or imposition of these regulations results in a demonstrable reduction in the property's fair market value, such a property owner may apply for and seek additional or other compensation from the City under ORS 195.310 to 195.314. Such a property owner may also provide documentation of the owner's reasonable investments in the nonconforming use of the property exclusively for its use as a transient rental that exceed the value that can be recouped by continued transient rental use of the property for the amortization periods and which cannot be put to any other economically viable use of the property. If the property owner demonstrates with credible evidence a reduction in fair market value or that the owner's reasonable investment in the property as a lawful transient rental is not recouped by the amortization periods provided for herein, the city may provide additional compensation in a form and amount of its choosing. The property owner may appeal any such final determination pursuant to ORS 195.318.