



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

06/26/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Hillsboro Plan Amendment
DLCD File Number 002-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, July 09, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

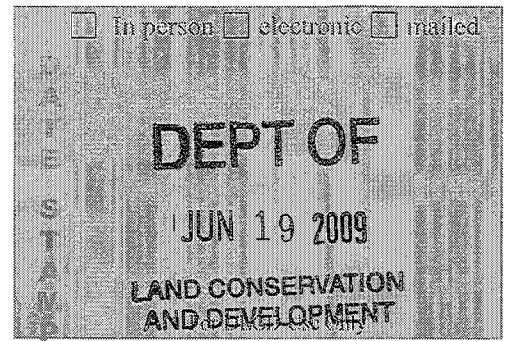
***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Genny Bond, City of Hillsboro
Gloria Gardiner, DLCD Urban Planning Specialist

<paa> N

DLCD

Notice of Adoption



THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: **Hillsboro**

Local file number: **ZOA 2-09**

Date of Adoption: **6/16/2009**

Date Mailed: **6/18/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **2/26/2009**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The adopted Zoning Ordinance amendment amends the standards regarding Bed and Breakfast Inns where allowed as conditional uses in residential zones. The amendments remove a restriction which only allows such establishments within structures which are included on the City's Cultural Resource Inventory, and revises and expands other performance standards for such establishments.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **N/A**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. See First Page

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

None

Local Contact: **GENNY BOND**

Phone: (503) 681-6246 Extension:

Address: **150 E MAIN STREET**

Fax Number: **503-681-6245**

City: **HILLSBORO**

Zip: **97123-**

E-mail Address: **gennyb@ci.hillsboro.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

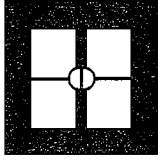
This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

CITY OF HILLSBORO



June 18, 2009

TO: Interested Parties

FROM: Planning Department

**RE: NOTICE OF DECISION – City Council Action
Case File No. ZOA 2-09: Bed and Breakfast Inn Amendments**

At their regular meeting on June 16, 2009, the Hillsboro City Council adopted Ordinance No. 5910 which amends Zoning Ordinance No. 1945 to update Sections 3 and 128 to remove requirements that bed and breakfast inns, where allowed as conditional uses in residential zones, are restricted to structures which are included on the Hillsboro Cultural Resource Inventory. This action confirms the action of the Planning Commission (Order No. 8002).

Persons who participated either orally or in writing in the Planning Commission or City Council proceedings on this matter may appeal the decision to the Land Use Board of Appeals under the provisions of ORS 197.830 to 197.845.

If you have any questions please call the Planning Department at (503) 681-6153.

Sincerely,

CITY OF HILLSBORO PLANNING DEPARTMENT

A handwritten signature in black ink that reads "Colin Cooper".

Colin Cooper, AICP
Current Planning Manager

Attachment: Ordinance No. 5910

cc: File

ORDINANCE NO. 5910

ZOA 2-09 BED AND BREAKFAST INN AMENDMENTS

AN ORDINANCE APPROVING AMENDMENTS TO ZONING ORDINANCE NO. 1945, SECTION 3 DEFINITIONS, AND SECTION 128A. HOME OCCUPATIONS, TO REMOVE REQUIREMENTS THAT BED AND BREAKFAST INNS WHERE ALLOWED AS CONDITIONAL USES IN RESIDENTIAL ZONES ARE RESTRICTED TO STRUCTURES WHICH ARE INCLUDED ON THE HILLSBORO CULTURAL RESOURCE INVENTORY.

WHEREAS, the City received a citizen request to consider Zoning Ordinance amendments to remove a restriction which restricts Bed and Breakfast Inns, where they are already allowed as conditional uses in residential zones, only to structures which are included on the City's Cultural Resource Inventory; and

WHEREAS, the Planning Commission conducted two work sessions to consider the issue, on October 8, 2008, and January 28, 2009; and

WHEREAS, the Planning Commission received and reviewed proposed Zoning Ordinance amendments at the regularly scheduled meeting on February 25, 2009, and found sufficient merit in the draft language to initiate the public hearing process for the proposed amendments via approval of Order No. 8002; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on April 22 and May 13, 2009, during which testimony was received in favor of, in opposition to, and neutral to the proposed amendments; and

WHEREAS, at the conclusion of the Planning Commission hearing, the Commission voted unanimously to forward a recommendation to the City Council for approval of the proposed amendments, via adoption of Order No. 8007 on May 14, 2009; and

WHEREAS, the City Council considered the Planning Commission's recommendation at the regular meetings on June 2 and June 16, 2009, and adopted the findings of the Planning Commission as its own in regard to this matter; and

WHEREAS, the City Council finds it appropriate to amend Sections 3 (6) and 128A.IV.C of the Hillsboro Zoning Ordinance regarding the standards and restrictions for Bed and Breakfast Inns.

NOW, THEREFORE, THE CITY OF HILLSBORO ORDAINS AS FOLLOWS:

Section 1. Based on the testimony, record, and the findings provided within the staff report, the City Council approves the following amendments to Sections 3 (6) ("Definitions") and 128A.IV.C ("Bed and Breakfast Inn Standards") of Zoning Ordinance No. 1945 [deleted text is identified by highlighted ~~strike through~~, and added text by highlighted ***underlined bold italics***]:

Section 3 Definitions

Section 3 (6). Bed and Breakfast Inn. A residential building or group of residential buildings with not more than five separate bedroom units for travelers' temporary accommodation, which units do not contain individual cooking facilities, with the lodging price including the price of a morning meal available only to guests of the inn. Additional rooms or structures may be added onto the original building or site provided the total number of bedroom units does not exceed five. If located in a residential zone, owners or innkeepers shall reside on the premises, and the bed and breakfast inn shall be considered a home occupation permitted as a conditional use, subject to the provisions of Section 128A Home Occupations and Sections 78 through 83, Conditional Uses. ~~Bed and breakfast inns are permitted as conditional uses in residential zones only in structures designated as cultural resources on the City's official Cultural Resource Inventory.~~

Section 128A. Home Occupations. IV. General Approval Criteria and Performance Standards

C. Bed and Breakfast Inn Standards. The following standards are applicable to bed and breakfast inns permitted as conditional uses ~~in residential zones only in dwellings listed on the City's Cultural Resource Inventory.~~

- (1) *(Deleted by Ord. No. 5676/10-06.)*
- (2) No more than an average of ~~fiveten~~ customer vehicles may ~~accessenter~~ the premises on a daily basis.
- (3) No more than an average of two business related deliveries per day is allowed. Such deliveries shall not restrict pedestrian or vehicular circulation on adjoining public streets and sidewalks.
- (4) No more than one person who is not a principal resident of the dwelling shall be engaged in the home occupation at the dwelling site at any one time.

~~(5) The Conditional Use application shall include a parking plan, which includes:~~

- ~~a) In addition to the minimum required off-street parking for the residential use, one (1) off-street parking space shall be provided for each bed and breakfast inn bedroom unit.~~
- ~~b) All parking shall be contained on an all-weather surface within site boundaries, and within the driveway leading to the~~

garage/carport vehicle entrance. One parking space may be allowed adjacent to the driveway, in the area in front of the required side yard adjacent to the garage/carport, with evidence of written permission from the owner of the property adjacent to the additional space. If no garage/carport is present, then parking shall be designed to minimize its appearance from the street and its impact to adjacent residents, and to maintain a residential appearance for the site.

c) Solid fence or wall together with landscaping, to buffer surrounding residents from the negative effects of headlights and noise from guest or employee vehicles.

(6) The dwelling to be used as a bed and breakfast inn shall have been occupied as a residence for at least five years prior to the date of application submittal.

(7) The dwelling to be used as a bed and breakfast inn shall be occupied as the primary residence of the person or persons identified as the operator of the bed and breakfast. Primary residence is defined as the operator's permanent residence of record as substantiated by official documents such as driver's license or tax forms.

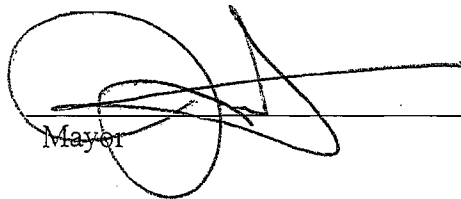
(8) There shall be no commercial gatherings. Commercial gatherings include weddings, meetings, receptions, or other gatherings for direct or indirect compensation.

Section 3. This ordinance shall be effective from and after 30 days following its passage and approval by the Mayor.

First approval of the Council on this 2nd day of June 2009.

Second approval and adoption by the Council on this 16th day of June 2009.

Approved by the Mayor this 16th day of June 2009.

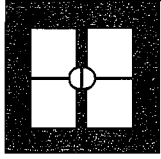


Mayor

ATTEST: 

City Recorder

CITY OF HILLSBORO



STAFF REPORT

May 22, 2009

TO: City Council

FROM: Planning Department

RE: ZOA 2-09, Request for Approval for Amendments to Zoning Ordinance No. 1945, Sections 3 (6) and 128A.IV.C, to amend the standards which apply to Bed and Breakfast Inns where they are allowed as conditional uses in residential zones.

REQUEST

Attached are materials relating to proposed amendments to Hillsboro Zoning Ordinance No. 1945, to Sections 3 (6) and 128A.IV.C. The proposed amendments would remove existing text which states that Bed and Breakfast Inns (“B&Bs”), where they are allowed as conditional uses within residential zones, can only be created in structures which are included on the City’s Cultural Resource Inventory. The residential zones which allow B&Bs as conditional uses and which are therefore subject to this Cultural Resource requirement are the **R-10, R-7, R-6, R-4.5, A-1, A-2, A-3, and A-4 zones**. The current Zoning Ordinance text for these zones allows B&Bs through the conditional use permit and public hearing process, but with the stipulation that only structures on the Cultural Resource Inventory are eligible for such permit requests. The proposed amendments would remove the Cultural Resource requirement, thus allowing any residence to potentially be eligible for a B&B conditional use permit request, provided the applicant for the permit is able to demonstrate that his/her site will comply with all applicable standards for parking, number of guest rooms, and other performance standards.

Along with the proposed amendments to remove the Cultural Resource requirement, amendments are proposed to the “Bed and Breakfast Inn Standards,” to enhance the existing performance standards: the proposed amendments would enhance parking requirements for B&Bs, require that the structure in question is and will continue to be primarily a residence and is not constructed specifically for use as a B&B, and would prohibit commercial gatherings. The proposed amendments are intended to ensure that the City has adequate review standards to apply before any B&B conditional use permit is approved.

The specific amendments proposed herein apply to Sections 3 (6) and 128A.IV.C of Zoning Ordinance No. 1945 as follows [deleted text is identified by highlighted ~~struckthrough~~ and added text by highlighted underlined italics]:

Section 3 Definitions

Section 3 (6). Bed and Breakfast Inn. A residential building or group of residential buildings with not more than five separate bedroom units for travelers' temporary accommodation, which units do not contain individual cooking facilities, with the lodging price including the price of a morning meal available only to guests of the inn. Additional rooms or structures may be added onto the original building or site provided the total number of bedroom units does not exceed five. If located in a residential zone, owners or innkeepers shall reside on the premises, and the bed and breakfast inn shall be considered a home occupation permitted as a conditional use, subject to the provisions of Section 128A Home Occupations and Sections 78 through 83, Conditional Uses. ~~Bed and breakfast inns are permitted as conditional uses in residential zones only in structures designated as cultural resources on the City's official Cultural Resource Inventory.~~

Section 128A. Home Occupations. IV. General Approval Criteria and Performance Standards

C. Bed and Breakfast Inn Standards. The following standards are applicable to bed and breakfast inns permitted as conditional uses ~~in residential zones only in dwellings listed on the City's Cultural Resource Inventory.~~

(1) ~~(Deleted by Ord. No. 5676/10-06.)~~

(2) No more than an average of ~~five~~ customer vehicles may ~~access~~ the premises on a daily basis.

(3) No more than an average of two business related deliveries per day is allowed. Such deliveries shall not restrict pedestrian or vehicular circulation on adjoining public streets and sidewalks.

(4) No more than one person who is not a principal resident of the dwelling shall be engaged in the home occupation at the dwelling site at any one time.

~~(5) The Conditional Use application shall include a parking plan, which includes:~~

a) In addition to the minimum required off-street parking for the residential use, one (1) off-street parking space shall be provided for each bed and breakfast inn bedroom unit.

b) All parking shall be contained on an all-weather surface within site boundaries, and within the driveway leading to the garage/carport vehicle entrance. One parking space may be allowed adjacent to the driveway, in the area in front of the required side yard adjacent to the garage/carport, with evidence of written permission from the owner of the property adjacent to the additional space. If no garage/carport is present, then parking shall be designed to minimize its appearance from the street and its impact to adjacent residents, and to maintain a residential appearance for the site.

c) Solid fence or wall together with landscaping, to buffer surrounding residents from the negative effects of headlights and noise from guest or employee vehicles.

(6) The dwelling to be used as a bed and breakfast inn shall have been occupied as a residence for at least five years prior to the date of application submittal.

(7) The dwelling to be used as a bed and breakfast inn shall be occupied as the primary residence of the person or persons identified as the operator of the bed and breakfast. Primary residence is defined as the operator's permanent residence of record as substantiated by official documents such as driver's license or tax forms.

(8) There shall be no commercial gatherings. Commercial gatherings include weddings, meetings, receptions, or other gatherings for direct or indirect compensation.

Staff notes the “standards” section is in addition to the existing text of subsection D., which provides sample conditions which could be adopted as part of any conditional use approval for a B&B. Subsection D is cited below for reference. Staff proposes no amendments to subsection D, as those are simply suggested possible conditions and do not restrain the review body from adopting different or additional conditions.

D. Conditions of Approval. The Planning Director, or the Planning and Zoning Hearings Board in the case of a bed and breakfast inn permitted as a conditional use in a residential zone, may impose conditions upon approval of a home occupation permit or conditional use permit, as applicable, to ensure compliance with the purpose of this

Section. These conditions may include, but are not limited to, the following:

(1) Further limiting the hours, days, place and manner of operation;

(2) Requiring site and building design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor and dust;

(3) Requiring additional building setbacks;

(4) Further limiting the building area and outdoor storage used by the home occupation and restricting the location of the use on the site in relationship to adjoining uses;

(5) Designating the size, number, location and design of vehicular access points;

(6) Requiring street right-of-way to be free at all times of vehicles associated with the home occupation, including vehicles of employees of contractors who have permitted home-based offices;

(7) Requiring landscaping, buffering and/or screening of the home occupation from adjoining uses, and establishing standards for the continued maintenance of these improvements;

(8) Requiring storm drainage improvements, and surfacing of parking and loading areas;

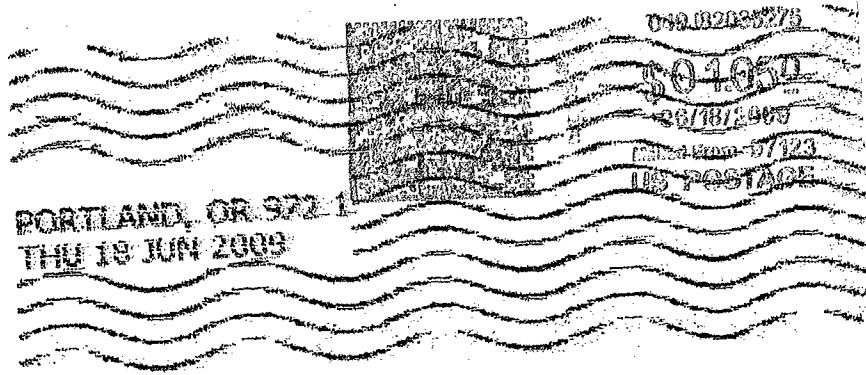
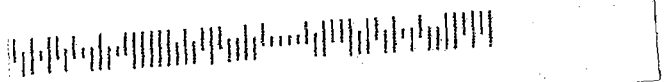
(9) Limiting the extent and type of interior or exterior building remodeling necessary to accommodate the home occupation;

(10) Limiting or setting standards for the location and intensity of outdoor lighting;

(11) Requiring and designating the size, height and location of fences and materials used for their construction; (Amended by Ord. No. 5676/10-06.);

(12) ~~(Deleted by Ord. No. 5676/10-06.);~~

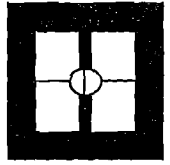
(13) Limiting the type and number of vehicles or equipment to be parked or stored on the site;



PORTLAND, OR 97211
THU 19 JUN 2009

First Class Mail

Planning Department
150 E. Main Street, Fourth Floor Hillsboro OR 97123
CITY OF HILLSBORO



ATTN: PLAN AMENDMENT
SPECIALIST
DEPT. OF LAND CONSERVATION
AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM OR 97301-2540

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