

ARTICLE 56 - BED & BREAKFAST FACILITIES (BB)

(Effective 9/6/89)

SECTION 56.00 - PURPOSE:

The purpose of this ordinance is to provide criteria and procedures for conditionally allowing Bed and Breakfast facilities in Hood River County.

The County recognizes the following: local needs and demands generated by the National Scenic Area Act, windsurfing, and the tourist industry require Hood River County to develop an ordinance to accommodate Bed and Breakfast facilities; national, state, regional and local development trends support Bed and Breakfast facilities; the Bed and Breakfast industry will assist in diversifying the County's economy; the County's rural land base contains different development characteristics than noted in urban areas and cities; the County's resource lands contain natural amenities which attract Bed and Breakfast facilities and a Bed and Breakfast facility is an accessory use within a single family dwelling.

The intent of this ordinance is to protect the character of single family residential neighborhoods, to ensure protection of lands zoned Residential, Rural Residential, Rural Center, Exclusive Farm Use, Forest, Primary Forest, Scenic Protection and Columbia Gorge Combining while allowing the orderly and reasonable development of Bed and Breakfast facilities in Hood River County.

SECTION 56.10 - DEFINITIONS:

- A. **Bed and Breakfast Facility:** A Bed and Breakfast Facility is an accessory use, located in a single-family dwelling or historic landmark building where guests are lodged for sleeping purposes and a morning meal is provided for compensation. A Bed and Breakfast facility can contain up to 5 rooms for rent on a daily basis and have a maximum of 10 guests and shall be owner or lessee occupied. The primary use of the residence remains as a single-family dwelling. Bed and Breakfast Facilities do not include motels, health or limited care facilities, boarding houses, group quarters, hostels or rescue missions.
- B. **Breakfast Meal:** The meal served to guests during the a.m. or morning hours each day.
- C. **Dwelling Unit:** One or more rooms designated for occupancy by one family and not having more than one cooking facility.
- D. **Single Family Dwelling:** A detached building containing one dwelling unit.

SECTION 56.20 - CONDITIONAL USE:

- A. A conditional use permit is required for Bed and Breakfast Facilities containing 5 or fewer guest rooms and proposed within the following zoning districts: Residential (R-1), Residential (R-2), Rural Residential (RR), Rural Center (RC), Exclusive Farm Use (EFU), Forest (F-1), Primary Forest (F-2), Scenic Protection (SP), and Columbia Gorge

Combining (CG). Approval shall be granted if applicant demonstrates through documented written findings compliance with the following procedures and criteria:

1. The applicant shall apply for a County conditional use permit to establish a Bed and Breakfast Facility.
2. The applicant shall comply with the requirements of Article 72 - Planning Director's Review Procedure of the Hood River County Zoning Ordinance.
3. The proposal shall comply with applicable zoning district provisions.
4. The proposal shall comply with provisions in Article 56 - Bed and Breakfast Facilities.
5. The proposal shall comply with provisions listed under Section 56.50, Bed and Breakfast Approval Standards within this ordinance.
6. Applicants for Bed and Breakfast Facilities proposed within the Exclusive Farm Use, Forest, and Primary Forest Zoning Districts are required to make application for a conditional use permit to establish a home occupation and comply with criteria listed in paragraphs 2, 3, 4, and 5 above.

SECTION 56.30 - URBAN GROWTH AREAS:

- A. Bed and Breakfast Facilities proposed within the City of Hood River or Cascade Locks Urban Growth Areas will require review and approval by either the Cities of Hood River or Cascade Locks, whichever is appropriate.
- B. Pursuant to provisions within the Urban Growth Management Agreements, the City's decisions prevail regarding land use applications within Urban Growth Areas.
- C. The County Planning Department will send a referral to the appropriate jurisdiction.

SECTION 56.40 - COLUMBIA RIVER GORGE NATIONAL SCENIC AREA:

- A. Proposed Bed and Breakfast Facilities within the National Scenic Area must also be consistent with provisions of the Columbia River Gorge National Scenic Area Act.
- B. The Scenic Area Manager, USDA, Forest Service or the Columbia River Gorge Commission is required to review and determine whether the proposed use is consistent with the Scenic Area Act. Their decisions prevail regarding land use applications within the Scenic Area.
- C. The County Planning Department will send a referral to the appropriate agency.

SECTION 56.50 - BED AND BREAKFAST APPROVAL STANDARDS:

The applicant shall present written documented evidence of compliance with the following

standards:

- A. The Bed and Breakfast Facility shall be located in a building designed and occupied as a single-family dwelling.
- B. The building shall retain the characteristics of a single-family dwelling. A Bed and Breakfast Facility shall be clearly incidental, accessory and subordinate to residential use. The use shall be conducted entirely within the single family dwelling and shall not take an outward appearance nor manifest any characteristic of a business, except for allowed signing.
- C. The single-family dwelling shall be owner or lessee occupied.
- D. The Bed and Breakfast operator must reside within the single family dwelling in which the bed and breakfast facility is located.
- E. Only 5 guest rooms are permitted.
- F. No more than 10 guests shall be allowed at any one time.
- G. A reduction in the number of guest rooms may be required if the applicant cannot demonstrate compliance with provisions within the Bed and Breakfast Facility Ordinance or applicable agency requirements.
- H. State Health Division or County Sanitarian approval.
- I. The maximum length of stay for guests is 15 consecutive nights.
- J. Signing is limited to one illuminated sign, with a maximum area of 6 square feet. Signs cannot be placed within State or County right-of-way unless approved by either the County Public Works Department or the Oregon Department of Transportation. Sign lighting is restricted to the sign surface, not adjacent properties, or County or State roads or highways. The sign will not blink or otherwise cause distraction to vehicle traffic. Signing approved by the State is permitted.
- K. One off-street parking space per guest room, plus adequate off-street parking space for the owner or lessee, shall be provided. Required off-street guest parking must be located on the single-family parcel or within a parking lot located within reasonable proximity of the lessee or owner occupied dwelling.
- L. The applicant shall contact the Hood River County Finance Director and obtain a certificate of compliance and shall comply with the provisions of the County Transient Room Tax Ordinance. Applicant shall provide proof of compliance prior to the Planning Department approving a Bed and Breakfast Facility.
- M. If an approved facility is not established within one year of the approval date, or if the use is discontinued for a year, the approval automatically expires and a new application is

required.

- N. Within one year of conditional approval, the County Planning Director will review each Bed and Breakfast Facility to ensure all approval conditions are fulfilled and that the use complies with the County Comprehensive Plan requirements.
- O. If property owner sells or leases the dwelling to another individual, he must, along with the new owner or lessee, contact the County Planning Department if they desire to continue the Bed and Breakfast Facility. Thereafter, the use will be reviewed by the County Planning Department pursuant to previous approval conditions.
- P. The applicant shall obtain the approval of the County Building Official and applicable fire protection district.
- Q. If applicable, applicant shall comply with provisions in the following above Sections:
 - 1. Section 56.30 - Urban Growth Areas; or
 - 2. Section 56.40 - Columbia River Gorge National Scenic Area.
- R. Bed and Breakfast Facilities proposed in the Exclusive Farm Use Zone shall be located in a single family dwelling used in conjunction with farm use or located in an approved non-farm dwelling.
- S. Violations or complaints regarding the above standards shall be reviewed by the County Planning Commission through a public hearing.

SECTION 56.60 - PLANNING COMMISSION PUBLIC HEARING:

Proposed Bed and Breakfast Facilities that cannot comply with provisions and standards within the Bed and Breakfast Facility Ordinance shall be reviewed as a conditional use pursuant to requirements in Section 56.20, by the Hood River County Planning Commission through a public hearing. The public hearing shall be conducted pursuant to provisions and requirements in Article 60 Administrative Procedures, Hood River County Zoning Ordinance. The Planning Commission may grant the application if it finds:

- A. It is not possible for the applicant to comply with all provisions and standards of this ordinance:
- B. It is in the public interest to grant the application; and
- C. With conditions, the proposed use will not be detrimental to the intent and purpose of this ordinance or the County adopted Comprehensive Plan.

SECTION 56.70 - APPEAL PROCESS:

- A. Pursuant to Article 61 - Review by the Board, of the Hood River County Zoning

Ordinance, the Planning Commission's decision is final unless appealed to the Board of County Commissioners within 15 days after the Commission's final decision. Appeal forms are available in the Hood River County Planning Department.

- B. Pursuant to Article 72 - Planning Director's Review Procedure, the County Planning Director's decision shall be final unless written appeal is filed within 15 days after the Director's final decision or unless the Planning Commission or Board of County Commissioners, on its own motion, order review within 15 days after the Director's final decision. Appeal forms are available in the Hood River County Planning Department.

SECTION 56.80 - ENFORCEMENT:

A person found violating provisions of Article 56 - Bed and Breakfast Facilities (BB), is subject to enforcement and penalty provisions listed under Article 70 - Enforcement, Hood River County Zoning Ordinance.

SECTION 56.90 - NONCONFORMING USES:

- A. Bed and Breakfast Facilities approved prior to the adoption date of this ordinance, which do not comply with provisions within this ordinance, are considered pre-existing nonconforming uses. They are allowed to continue pursuant to provisions of Article 65 - Nonconforming Use, of the Hood River County Zoning Ordinance.
- B. Any proposed expansion or change in use of a Bed and Breakfast Facility in operation prior to the adoption date of this ordinance, shall be subject to the requirements of this ordinance and shall require evaluation through a conditional use permit, pursuant to the requirements of Article 65. In the event of denial, the Bed and Breakfast Facility shall be allowed to continue as originally approved, but as a nonconforming use.