



150 East Main Street, Hillsboro, OR 97123
4th Floor • 503/681-6153
FAX 503/681-6245
www.ci.hillsboro.or.us

NONCONFORMING USE APPLICATION

Applicants are encouraged to review the additional information and submittal requirements attached to this application form prior to filling it out.

LEGAL DESCRIPTION OF PROPERTY (as shown on County Tax Assessor's records)

Tax Map #(s) _____ Tax Lot #(s) _____
Frontage Street or Address _____
Nearest Cross Street/Road _____
Plan Designation _____ Zoning _____ Site Size _____ acres or sq. ft.

OWNERSHIP AND CONTACT INFORMATION

Does the owner of this site also own any adjacent property? **YES** **NO**

If yes, what is the Tax Map #(s) _____ Tax Lot #(s) _____

Owner(s) Names (**Please print**) _____ Mailing Address/Zip _____ Day Phone # _____

Owner's Signature _____ Date _____

(If more than one property owner, please attach additional sheet with names and signatures.)

Applicant(s) Name (**Please print**) _____ Business Name/Mailing Address/Zip _____ Day Phone # _____

Applicant's Signature _____ Date _____

Applicant's interest in property (State whether owner, buyer, lessee, contractor/builder, architect, consultant, real estate or legal representative and for whom) _____

NONCONFORMING USE INFORMATION

Proposed building size _____ sq. ft.

Have there been any other expansions/enlargements? **YES** **NO** When? _____

NONCONFORMING USE APPLICATION

(CONTINUED)

SUBMITTAL REQUIREMENTS

- Fifteen (15) copies plus the original, signed application form. The original application form must include a “wet ink” signature from the property owner or authorized agent. This information must be reproduced so please write clearly using black/dark blue ink or type.
- Fifteen (15) copies plus the original of a written statement that describes and justifies the proposal. (Please reference any necessary approvals from other agencies: Washington County, Clean Water Services, DSL, ODOT, DEQ, etc.) (This information must be reproduced so please write clearly using black ink or type.)
- Fifteen (15) copies plus the original of a site plan and other materials essential to understanding the proposal.
- Complete Application Packet Sets: All submitted material must be folded and collated in sets and to scale. Submittals should include one complete, original application packet along with the applicable number of copy sets indicated above.
 - All plans (full-sized and reduced) must be measured to a legible and reasonable scale. Examples of preferred plan scales include:
 - Site plans: 1" = 20' for full-size plans (24" x 36"); 1" = 40' for reduced (11" x 17")
 - Landscape plans: 1" = 20' for full-size plans (24" x 36"); 1" = 10' for detailed plans; 1" = 40' for reduced (11" x 17")
 - Architectural drawings: floor plans, building elevations, and other architectural drawings: 1/8" = 1' for full-size; no smaller than 1/16" = 1' for reduced plans; 1/4" = 1' for detailed plans.
- The appropriate filing fee **PAYABLE TO CITY OF HILLSBORO**. Please consult the fee schedule for current fees.

FOR OFFICE USE ONLY

Received by _____ Date _____
Accepted as complete by _____ Date _____
Additional reviews pending? **YES NO** If yes, what is the File # _____
Receipt # _____ Fee(s) Paid _____ Type/ File # _____

NONCONFORMING USE INFORMATION

WHAT IS A NONCONFORMING STRUCTURE OR USE?

A lawful existing structure or use that at the time the zoning ordinance becomes effective or amended does not conform with the requirements of the zone in which it is located.

In case of practical difficulty or unnecessary hardship, the Hearings Board may authorize enlargement or expansion of a nonconforming use up to 20 percent in floor area or, in those cases not involving structures, up to 10 percent in land area, as existing on the effective date of the Zoning Ordinance. In no case however, shall such enlargement or expansion result in an increase in the number of dwelling units in excess of the number permitted for the lot in the zone in which it is located

WHAT IS THE PROCEDURE FOR ENLARGEMENT OR EXPANSION OF A NONCONFORMING USE?

The application for an enlargement or expansion of a nonconforming use is required to justify the request in terms of practical difficulty and unnecessary hardship with corresponding public need and interest. Therefore, the following questions must be completed by the applicant. The answers are considered by the Planning and Zoning Hearings Board when making a decision on the application.

1. What conditions make the expansion or enlargement necessary?
2. How is the granting of the application in the public interest?
3. Would the expansion/enlargement adversely affect the existing or future use and enjoyment of the neighboring properties?
4. What conditions, if any, are necessary to protect surrounding persons, property or the public from any adverse effects of the requested expansion or enlargement?

After a completed application is submitted to the Planning Department a public hearing is scheduled within 40 days of the date of application. Not less than 10 days before the hearing, notice is given to surrounding property owners within 100 feet of the site. A staff report is prepared by the Planning Department and mailed to the applicant and owner(s). Other interested parties can obtain a copy of the report seven days prior to the public hearing at the Planning Department office, 123 West Main Street, Suite 250, Hillsboro between 8am and 5pm, Monday through Friday, excluding holidays.

The hearing is held at a scheduled date and time. The PZHB may approve, approve with conditions or deny a nonconforming use expansion/enlargement application. The hearing may be continued so that additional information may be submitted by interested parties or if new notification is required.

All relevant issues must be raised in written or oral testimony with "sufficient specificity" so that all parties have the opportunity to comment or respond to the testimony. If an issue is not raised in written or oral testimony, the issue cannot be raised on appeal.

WHAT IF MY NONCONFORMING USE APPLICATION IS APPROVED?

If your nonconforming use expansion application is approved or approved with conditions, you will be notified of the decision. The decision will occur within 20 days of the close of the public hearing. The approval is void after two years of the date of issuance of the building permit if the building or use is not in operation.

NONCONFORMING USE INFORMATION (CONTINUED)

WHAT CAN I DO IF MY NONCONFORMING USE EXPANSION APPLICATION IS DENIED? WHO CAN APPEAL A DECISION?

If your application is denied or an affected party does not agree with the decision, you or they can appeal the decision to the City Council. The appeal must be filed within 15 days from the date of the decision. The appellant must have testified in person or in writing to specific issues of the case in order to file an appeal. Only the affected applicant, owner, or other person or organization who has standing may be an appellant. The fee will be one half the original application fee paid. Appeals are filed with the City Records office, 150 East Main Street, Fifth Floor, Hillsboro, OR.

FOR MORE INFORMATION PLEASE CONTACT:

City of Hillsboro Planning Department
150 East Main Street, 4th Floor, Hillsboro, OR 97123
Phone: (503) 681-6153
Fax: (503) 681-6245
E-mail: planning_dept@ci.hillsboro.or.us
Website: www.ci.hillsboro.or.us