

SECTION 7. EMERGENCY.

This ordinance being immediately necessary to maintain the public welfare, health and safety, an emergency is declared to exist and this ordinance takes effect immediately upon its adoption.

REGULARLY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON THIS 3rd DAY OF January, 1989.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Jack R. Peterson
Chairman

By: Wayne W. Dillard
Commissioner

By: Michael J. Sykes
Commissioner

Attest

Cherie Marlan
Recording Secretary

First Reading: 1-3-89
Second Reading: 1-3-89
Effective Date: 1-3-89

EXHIBIT "A"

BEFORE THE COUNTY PLANNING COMMISSION
FOR COLUMBIA COUNTY STATE OF OREGON

In the Matter of an Application by)
Columbia County to Amend the)
Conditional Use Section of the)
Neighborhood Commercial (C-4) Zone)

Findings of Fact,
Conclusions of Law,
& Recommendation

I. APPLICANT'S REQUEST

Columbia County proposes to amend the Neighborhood Commercial Zone, Section 810 of the Columbia County Zoning Ordinance by adding a Section 813.3 to provide for motel complexes of forty-five (45) units or less as a Conditional Use within the zone.

II. COMPLIANCE WITH APPLICABLE ORDINANCE REQUIREMENTS AND FINDINGS:

A. Section 1606 of the County Zoning Ordinance reads as follows:

1606 Legislative Hearing: A request to amend the text of the Zoning Ordinance or to change to a large area of the Zoning Map of Columbia County in order to bring it into compliance with the Comprehensive Plan are legislative hearings. Legislative hearings shall be conducted in accordance with the following procedures:

- .1 A legislative amendment to the Zoning Ordinance Text or Map may be initiated at the request of the Board of Commissioners, a majority of the Commission, or the Director, or any citizen of the County may petition the Commission for such a change.
- .2 Notice of a Legislative Hearing shall be published at least twice, one (1) week apart in newspapers of general circulation in Columbia County. The last of these notices shall be published no less than ten (10) calendar days prior to the Legislative Hearing. The mailing of notice to individual property owners is not required but shall be done if ordered by the Board of Commissioners.

Finding 1. The requirements of Section 1606 have been met.

B. Section 1608 & 1608.1 of the County Zoning Ordinance reads as follows:

1608 Consistency with the Comprehensive Plan: All amendments to the Zoning Ordinance Text and Map

shall be consistent with the Comprehensive Plan Text and Maps.

Finding 2. The proposed text addition is consistent with the Plan Text and Maps.

- 1608.1 The Commission shall hold a hearing to consider the proposed amendments and shall make a recommendation to the Board of Commissioners with regard to the proposed amendments. The Board of Commissioners shall hold at least one hearing to consider the proposed amendments. Both the Commission and the Board of Commissioners hearings will require notice in the manner outlined in Section 1612.

Finding 3. If approved by the Planning Commission, the Board will hold at least one hearing in accordance with the requirements of Section 1612 of the Zoning Ordinance. Such Board hearing will not occur until forty-five (45) days from the time the DLCD is given notice of the proposal.

- C. Motel complexes are allowed as a matter-of-right in the C-5, Highway Commercial and the C-3, General Commercial Zones. No C-5 zoning presently exists in the County. The only existing C-3 zoning is located within the St. Helens Urban Growth Boundary along Highway 30. The parcels presently zoned C-3 are occupied and are either unavailable or unsuitable for this type of use.

Findings 4: Both the C-5 and the C-3 zones exist or are likely to exist along the Highway 30 corridor. The flexibility of allowing small motel complexes as a Conditional Use within the C-4 zone would provide a reasonable alternative to the strip commercial development and potential traffic hazards created by placing such facilities in areas where access to a major highway might pose a problem.

- D. Small well sited motel complexes would be compatible with the C-4 Zone and would serve a local need,

Findings 5: If this amendment is approved, motel complexes proposed in the C-4 Zone would be required to go through the Conditional Use Permit process. These two requirements would assure that any motel sited in the C-4 Zone would have to be compatible with the area and serve a particular need.

III. CONCLUSION & RECOMMENDATION

Allowing small motel complexes in the C-4 Zone would address a need not currently being met by the Zoning Ordinance. The Conditional Use Permit and Site Design Review requirements will assure that the development of any complex in the C-4 Zone will be compatible with the area. Based upon this, and the findings noted above, Staff recommends approval of adding a Section 813.3 to the Zoning Ordinance which will read as follows.

813.3 Motel complexes with forty-five (45) units or less.

EXHIBIT "B"

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of an Application by)	
Columbia County to Amend the)	Supplemental Findings of
Conditional Use Section of the)	Fact, Conclusions of Law
Neighborhood Commercial (C-4) Zone)	and Recommendation

I. TESTIMONY AT NOVEMBER 7, 1988 PLANNING COMMISSION MEETING.

A number of people testified at the November 7, 1988 Planning Commission hearing (See Attachment 1) and addressed the possibility of a motel being developed between Scappoose and St. Helens, near the Warren County Inn restaurant, should the C-4 amendment be approved. The area pointed out in the testimony is zoned Existing Commercial (EC) not Neighborhood Commercial (C-4) and would be unaffected by this amendment.

II. LETTER FROM DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT.

The D.L.C.D. submitted a letter dated December 16, 1988 (See Attachment 2) which states that they could support the amendment if the County would limit the application of the C-4 Zone to within the U.G.B.'s. The County Comprehensive Plan and Zoning ordinance does limit the C-4 Zone to within U.G.B.'s. When County Staff explained this fact to D.L.C.D. Staff, a verbal approval for the amendment was given as written.

III. PLANNING COMMISSION RECOMMENDATION.

The Planning Commission has recommended approval of this amendment. (See Attachment 3).

IV. CONCLUSION AND RECOMMENDATION.

Based on the foregoing, the Planning Department continues to recommend approval of this amendment.

wasn't before. Jim brought it up at the first meeting and said if the intersection wasn't addressed right then, it was going to be lost.

After consideration discussion, it was the Commission's unanimous decision to retain the present road standards. The Planning Commission could work with the Roadmaster. He (the Roadmaster) would make a recommendation and then the Planning Commission would take a look at the proposal.

The work session adjourned at 7:15 p.m.

The Columbia County Planning Commission was called to order by Chairman Probst at 7:30 P.M.

There being no additions or corrections to the minutes of October 3, 1988, they were approved as mailed.

COLUMBIA COUNTY - Legislative Amendment

The first order of business was the County's proposal to amend the Neighborhood Commercial Zone, Section 810 of the Zoning Ordinance by adding a Section 813.3 to provide for motel complexes of forty-five (45) units or less as a Conditional Use within the zone.

The criteria of the Zoning Ordinance was reviewed and the findings given.

It was concluded that by allowing small motel complexes in the C-4 Zone it would address a need not currently being met in the Ordinance. The conditional Use permit and Site Design Review requirements would assure the development of any complex in the C-4 zone to be compatible with the area. Based upon this, and the findings, staff recommended approval of the addition of Section 813.1 to read, "Motel complexes with forty-five (45) units or less". This would be allowed as a Conditional Use.

Proponent

Reed Vandehey, 234 Crouse Way, St. Helens, Or.

Does not live in the area but owns property there. He realized it would require a Zone Change through the land use planning board. He would like to preserve the area between St. Helens and Scappoose. He would not like to see a strip development like Washington County with service stations or hotel/motels cluttering up the landscape. One of the reasons he moved out here was to take advantage of the rural area. He felt the way it is now is a good balance. The hotel/motel could just as well be located in an urban area or the City of St. Helens or Scappoose. At least in a Urban Growth area. He didn't believe Warren was in the Urban Growth area.

He does have a concern, although it could be hearsay, but some people he knows have talked about the Shiloh Inn in Seaside have been con-

cerned about the increase in crime, particularly cocaine dealing from that motel chain. He would like to have this issue looked at before further consideration.

If we are to have them locate here, let's have it either in the City of St. Helens or Scappoose and not alter the farm land, the greenway we have between St. Helens and Scappoose.

Chairman Probst informed Mr. Vandehyde the Shiloh Inn was not being addressed. In his opinion the new plan would make Warren a Community Center. He explained the reason for the amendment to the Ordinance is not only for the Warren area but for all the other Rural Community Centers so they can be controlled.

David Larson, 56461 Columbia River Highway, Warren, Or.

Just within the last year bought the property adjacent to the Warren Country Inn and didn't feel a Conditional Use Permit was warranted in this instance. If you are going to look at this from a development standpoint, why not develop the whole strip, rather than a lot here and a lot there.

Chairman Probst explained the zoning was not being changed. We are only adding a section to allow a 45 unit or less motel as a conditional use in the zone so we have a place where they can be allowed.

Mr. Larson stated his property and some of the adjoining properties are on wells and are not on the public water system out there. Wells are shallow enough in that area that eventually there will be a contamination problem to those wells. There is no sewage facility whatsoever on that particular piece of property. That piece of property has a drainage field under it at the present time.

Chairman Probst answered this problem would have to be addressed as a condition to any facility allowed to go in there. He reiterated at this time, they are only looking at amending the text.

Mr. Larson responded that his point is that you have a centrally located area between the City of St. Helens and Scappoose. If you allow a motel to go there, the restaurant is there now and a church is going in and now you are talking motel or motel type complex so it is a continuing use, just building one right after the other. You should look at zoning the whole area, between Berg and Church Road.

Chairman Probst explained the Comprehensive Plan will be amended this year. We just can't shut the door and not allow any growth. He reiterated that in his opinion this area would come under the guise of Community Center, this way we have control in this one spot. We don't have this tool and this is what the amendment will do.

Rayford Sly, 58640 Kavanaugh, St. Helens, Or.

Owns plantation trees 500 feet back from where Shiloh Inn wants to

locate and to locate it there will keep one less restaurant out of the area because Shiloh needs a restaurant with it and the Warren Country Inn can use the business. As far as the water situation goes, there is a six (6) inch pipe in the field just back of the area that goes to the restaurant for public water. He has a well 500 feet from there that he considers contaminated and it's several hundred feet from other houses and so when McNulty Water came in there he immediately took water from it but they wouldn't sell him any water from the Warren Water Assn. because they said he would use too much on his Christmas trees.

He felt this area was a very good location for a motel because everything is jammed full in town and as he comes down, the little St. Helens Motel has had their no vacancy sign up for days, and most of the time the Village Inn doesn't even bother to turn their vacancy sign on until they have some extra room. We do need another motel and he felt this was the logical place for it. The workers are going to have to have a place to stay when they put in the new highway through St. Helens so we need one in there fast.

There used to be a grocery store right on the creek there, and across the highway there was a grocery store, and a post office and we have just been pushed back there for the last thirty (30) years. We need to get some business in the area.

Mrs. Garoutte, 56611 Columbia River Highway, Warren, Or.

Their property, 2 1/4 acres, adjoins the Country Inn property on the north side. Questioned if it would make their property less valuable. Their home is there and they also raise you-cut Christmas trees

Chairman Probst answered he couldn't say what it would do. In the long run, he thought it would go into the commercial zone and increase its value. This is his gut feeling. He did not know what would happen in the next 10 to 20 years but they are trying to look at the future and keep it under control.

Mrs. Garoutte explained they have their place for sale and she thought with this coming out in the paper now, nobody was going to want to buy and live close to a Shiloh Inn. If it were all changed to Commercial at the same time, then it would be okay.

Chairman Probst explained they have talked about it and that is what they are planning to do on the new update of the Comprehensive Plan and Zoning Ordinance in six (6) months.

Al Pierce, 56498 Crest Drive, Warren, Or.

Lives in Warren and is concerned about the Warren School. He wondered how the use would be compatible with the school. How close would the change come to the existing school?

Chairman Probst explained if it goes there, he was sure there would be a sizable number of people employed and they will want to live in

Warren area. There is alot of land on Church Road zoned RR-5 to be developed and he was sure there would be an increase in population in the future there.

Mr. Pierce responded that what he was getting at was can you have that kind of zoning adjacent to a public school? Is this acceptable?

Chairman Probst knew of nothing in any ordinance that prevents a school from being next to a commercial zone. A school is in a Community Service-Institute District and can be plugged into any existing zone. He didn't see too much of a conflict in this. Of course, if the motel does go in there and we see a possible conflict between it and the school yard, we can place conditions on the approval, such as a 6 to 8 foot fence with no trespassing signs.

Mr. Pierce asked if the time for this to be addressed would be at the next stage. Chairman Probst stated we are only looking at the tools to work with tonight. If they request a hearing, conditions would be placed on it to alleviate any problems you people may have.

Mr. Pierce answered this sounded fair. Specifically, what they are concerned about is the chance of a liquor license coming in.

Chairman Probst stated that this body would have no control over this portion. This is a State function.

There being no futher testimony, the hearing was closed.

After due discussion & deliberation:

MOTION: Dick McClure moved and Walter Larson seconded to recommend the Columbia County Board of Commissioners amend the Neighborhood Commercial Zone by adding Section 813.3 "Motel complexes of forty-five (45) units or less" as a Conditional Use within the zone. Carried unanimously.

ROSANNE STROBEL - Continuation of Conditional Use Permit

John Peterson declared a possible conflict of interest and did not participate in the proceedings.

Bill explained they tried to get a meeting together earlier in the month. We could have had things put together in a better form but we do have some more information.

Bill read his memo to the Planning Commission into the record (on file).

In essence, although many of the questions had not yet been answered, staff felt that sufficient information existed or would be forth-coming, to allow a recommendation. The basis for Staff's decision to go ahead with a recommendation was County Counsel's verbal opinion, of November 2nd, that the proposed use could be argued to be a home occu-



Department of Land Conservation and Development

1175 COURT STREET NE, SALEM, OREGON 97310-0590 PHONE (503) 373-0050

December 16, 1988

William Green
Dept. of Land Development Services
Columbia County
Courthouse
St. Helens, Oregon 97501



Dear Bill:

We have completed our review of the proposed amendment to allow 45-unit motels as a conditional use in the Neighborhood Commercial (C-4) zone. We believe that a motel in most cases is an "urban" use. There are instances where the siting of a motel in a rural area is entirely appropriate. However, to allow motels as a conditional use within the C-4 zone, it will require additional justification.

In reviewing the county's comprehensive plan and the purpose statement of the C-4 zone, we find no description or statement identifying the type of land use situation requiring application of the Neighborhood Commercial zone. From the information contained in the plan and zoning ordinance, it appears the C-4 zone is applied only to lands located outside urban growth boundaries.

Before the county can allow motels as a conditionally permitted use within the C-4 zone, the county must do one of the following:

- (1) For all areas where the C-4 zone is applied, provide findings indicating that motels are a rural use consistent with the requirements of OAR 660-04-018; or
- (2) Take an exception to Goal 14 by addressing OAR 660-14-030 or OAR 660-04-040 everywhere the C-4 zone has been applied and indicate by plan policy that a Goal 14 exception will be taken when the C-4 zone is applied; or
- (3) Limit application of the C-4 zone to areas within UGB's.]

As proposed, the county's proposed action violates Goal 14 and OAR 660-04-018. Thus, we recommend that the proposed amendment to the C-4 zone be denied or postponed until adequate findings

William Green

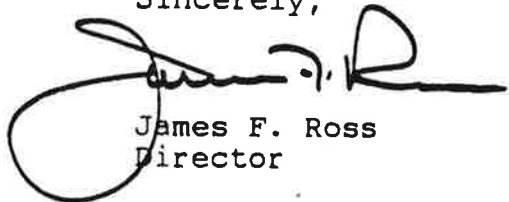
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December 16, 1988

are included in the comprehensive plan indicating that motels are an appropriate rural use or that an exception to Goal 14 is justified before the revised C-4 zone is applied.

Please enter our letter into the hearing record for this proposal. If you have any questions, contact Gail McEwen at 378-2339, or Michael Rupp at 373-0095.

Sincerely,



James F. Ross
Director

JFR:MJR/sp
<pa>

cc. Gail McEwen, Field Representative
File No. 001-88 (Columbia County)

BEFORE THE COUNTY PLANNING COMMISSION
FOR COLUMBIA COUNTY, STATE OF OREGON

In the Matter of the Application of)
Columbia County to Amend the)
Conditional Use Section of the)
Neighborhood Commercial (C-4) Zone)
of Columbia County Zoning Ordinance)

FINAL ORDER TA-2-38

This matter came before the Columbia County Planning Commission on the application of Columbia County to amend the text of Section 810 of the Columbia County Zoning Ordinance by adding a Section 813.3 to provide for motel complexes of forty-five (45) units or less as a Conditional Use within the Zone.

The hearing was held on November 7, 1988. Testimony was submitted on behalf of the applicant in the form of a Staff Report. The Planning Commission having heard the arguments of the parties and after having considered the testimony and the Staff Report; it is

Hereby, ordered that this application for an amendment to the text of Section 810 of the Columbia County Zoning Ordinance be submitted to the Columbia County Board of Commissioners with a recommendation for approval. The Findings of Fact and Conclusions of Law of the staff report are hereby adopted, except for the following changes and/or comments:

Date Nov 15 / 88

COLUMBIA COUNTY PLANNING COMMISSION

W. Probst
Voris Probst, Chairman