

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Repealing)
Ordinance No. 89-1)
ORDINANCE NO. 90-1
(Motels)
_____)

The Board of County Commissioners for Columbia County, Oregon ordains as follows:

SECTION 1. AUTHORITY.

This ordinance is adopted pursuant to ORS 203.035, 215.050 and 215.223.

SECTION 2. TITLE.

This ordinance shall be known as Ordinance No. 90-1.

SECTION 3. PURPOSE.

The purpose of this ordinance is to repeal Ordinance No. 89-1.

SECTION 4. REPEAL.

Ordinance No. 89-1 is repealed.

SECTION 5. EFFECT.

The effect of this ordinance shall be to delete subsection 813.3 of the Columbia County Zoning Ordinance.

SECTION 6. FINDINGS.

Findings of fact and conclusions of law in support of this amendment are attached hereto, labeled Exhibit "A" and incorporated herein by this reference.

SECTION 7. SEVERABILITY.

If any portion of this ordinance is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion and such holdings shall not affect the validity of the remaining portion thereof.

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 7th DAY OF March, 1990.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form
By: J. K. K. 16761
Office of County Counsel

By: [Signature]
Chairman

Attest:
[Signature]
Recording Secretary

By: [Signature]
Commissioner

First Reading: 03-07-90
Second Reading: 03-07-90
Effective Date: 03-07-90

By: [Signature]
Commissioner

EXHIBIT "A"

COLUMBIA COUNTY PLANNING COMMISSION
Staff Report

February 5, 1990

FILE NUMBER: TA 2-88

APPLICANT: Columbia County
Courthouse
St. Helens, OR 97051

REQUEST: Text Amendment to the Zoning Ordinance

I. BACKGROUND

Columbia County initiated a text amendment to Section 810 (subsection 813.3) of the Zoning Ordinance in order to allow motel complexes of forty-five units or less as a Conditional Use in the Neighborhood Commercial zone. The Planning Commission heard this request at their November 7, 1988 public hearing, and recommended approval to the Board of Commissioners.

The Department of Land Conservation and Development (DLCD) commented on this proposed amendment in a letter dated December 16, 1988. They recommended the Board of Commissioners either deny the request or produce adequate findings to substantiate "that motels are an appropriate rural use or that an exception to Goal 14 is justified." It was then pointed out to DLCD that the Neighborhood Commercial zone was limited to within the Urban Growth Boundary.

On January 3, 1989 the Board of Commissioners held a public hearing and approved the amendment. Ordinance 89-1 signed into effect the newly adopted text. DLCD appealed this decision to the Land Use Board of Appeals. All parties agreed it should be remanded back to the Board of Commissioners.

The purpose of this request is to repeal Ordinance 89-1. If approved, the text amendment will be deleted.

II. FINDINGS

A. Section 1606 of the Zoning Ordinance states:

1606 Legislative Hearing: A request to amend the text of the Zoning Ordinance or to change 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. This request is being conducted in accordance with the procedures as outlines above. As this amendment applied equally to all properties zoned Neighborhood Commercial, and no specific properties were involved or initiated an application for such a conditional use, no notice to property owners has been ordered.

B. Section 1608 of the Zoning Ordinance states:

1608 Consistency with the Comprehensive Plan: All amendment to the Zoning Ordinance Text and Map shall be consistent with the Comprehensive Plan Text and Maps.

- .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 hearing will require notice in the manner outlined in Section 1612.

Finding 2. The proposed amendment is applicable only to the Zoning Ordinance text, and not to any maps. It is consistent with the Comprehensive Plan.

The Board of Commissioners shall hold a hearing on this request on March 7, 1990.

III. CONCLUSION AND RECOMMENDATION

The Neighborhood Commercial zone's purpose is to allow commercial uses "intended to serve those residential uses within the suburban areas". As such, motels do not fit in with this intent. There are provisions in other commercial zones for motels as allowed uses.

Based upon this conclusion and the findings as noted above, Staff recommends approval of the repeal of Ordinance 89-1.