

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

August 1, 2007

The Columbia County Board of Commissioners met in scheduled session with Commissioner Rita Bernhard, Commissioner Anthony Hyde and Commissioner Joe Corsiglia, together with Sarah Hanson, County Counsel and Jan Greenhalgh, Board Secretary.

Commissioner Bernhard called the meeting to order and led the flag salute.

MINUTES:

Commissioner Hyde moved and Commissioner Corsiglia seconded to approve the minutes of the July 24, 2007 Work Session; July 25, 2007 Board meeting; and July 25, 2007 Staff meeting. The motion carried unanimously.

VISITOR COMMENTS:

None.

HEARING: ADOPTING A COLUMBIA COUNTY KENNEL ORDINANCE:

This is the time set for the public hearing on proposed Ordinance No. 2007-7, "In the Matter of Adopting a Columbia County Kennel Ordinance".

Sarah Hanson stated that this matter has been discussed a number of times and the proposed ordinance before the Board was drafted by John Knight. The ordinance is based on comments he received at the Scappoose CPAC meeting and other comments received to date. Sarah noted that this is not a land use hearing.

Todd Dugdale, LDS Director, explained that since LDS has assumed oversight of the Animal Control program, they have found a need to develop a more comprehensive kennel ordinance for the county to better regulate kennels. From past discussions and review of state law, John drafted a proposed ordinance. Notice of this hearing was published and also sent to persons who have participated in the discussions. To date, only one written comment has been received and it was from Scott Groves.

Roger Kadell, Animal Control (AC) Officer, reviewed the highlights of the ordinance and explained that it would require all kennels in the county to come into compliance. The standards being required are already required under the OAR, however, they are not being enforced by the county. One of the big things this ordinance takes away is that AC would not need to define whether a person is selling, breeding, are a non-profit, etc. Anyone with more than a certain number of dogs, is running a kennel operation. It is not his interest whether people are selling dogs, making a profit, etc., he simply wants to insure that the animals are being properly cared for. The ordinance provides for the inspection of kennels and for charging fees for those inspections, which are very time consuming.

The licensing fees are being kept down to a reasonable amount. This ordinance will also give the non-commercial people, currently operating in the county, until January 2009 to come into compliance. At that point, Roger would still work with these people to come into compliance. This is not a land use issue, it is only to determine the correct care and safety of the animals.

Commissioner Hyde did not see any OAR's referred to in the ordinance. Roger explained that the language in the ordinance is taken from the OAR's, but they are not specifically noted in the ordinance. Another question is the dog license requirement. Roger stated that if a person has a kennel license, they would not need to license each dog.

Commissioner Corsiglia asked about the \$100 surcharge when licensing kennels in the field. Roger stated that the penalty fees listed are, for instance, if he comes across a kennel that is operating illegally and they don't have a permit, he can license them immediately in the field and they would pay the additional \$100 penalty fee (as would anyone in non-compliance) rather than issuing them a \$500 penalty as currently allowed. If he went to a home that had say 7 dogs and all were licensed, he would not charge the penalty fee.

The hearing was opened for public testimony.

Barbara Albauch, 27428 Gibb Road, Scappoose: She read her written comments into the record. "I can appreciate the county's concern about protecting and regulating dogs, however what may seem at first glance to be a good ordinance, will seriously impact many people negatively. We are a rural community and as such activities not suited to suburban lifestyles are situated here. I am concerned that this new ordinance is overkill. The beautiful dog venues that you see on TV, the Eukanuba Cup, of which Portland is part, Westminster dog show, dock dog competitions, agility trials, field trials and even the Longview Kelso Kennel Club show, which is held at the Columbia County Fairgrounds, where do you think these dogs are raised? Certainly not in someone's backyard or condo. They are raised in areas such as what we have here. Of course not everyone is going to have the facilities that some show people or boarding kennels have, but once you enact this ordinance, everyone will be caught in the same web. Multiple dog ownership does not necessarily mean irresponsible ownership. Some of the top competitive dogs are raised in facilities that would not qualify under the new ruling. The new ordinance requires all people owning 5 or more dogs, to obtain a kennel license. On the surface, this sounds good. Dogs would be assured of a clean, warm environment. The Animal Control Officer could insure that with inspections. But what about the person who has 7 or 8 Yorkshire terriers? Most likely they would be housed in the owners home. Is their home subject to inspection? Furthermore, the new law states that female dogs in estrus shall not be placed with males except for breeding purposes. I content that this is outside of animal controls jurisdiction. My females do run with the male when they are not in season. The owner should be the deciding factor of where they house their dogs. The ordinance also requires that dogs less than six months of age shall not be housed with adult dogs other than their mothers. Again, animal control should not have the ability to enforce how and where an owner chooses to keep their animals. There are already laws on the books about animal cruelty should there be a need to regulate how the dogs are kenneled. The current laws should be enforced rather than bringing new regulations into the mix.

Why are only dogs the focus of the county's concern? Boarding stables and catteries are not being licensed and inspected and we have many of those here. They are certainly making money at their facilities, hence the term commercial applies and they are in areas zoned rural residential.

A countywide leash law is what needs to be enacted. Dogs off of the owner's property must be on a leash or other restraint except when competing at sanctioned kennel club events or working under the direct supervision of the handler.

Under section 10, Additional Requirements, #C states that a record of the name, address and phone number of each dog kept at the facility and the date that the dog was received, the purpose thereof and the name of the person from whom the dog was received. This has nothing to do with someone housing their own dogs, yet since Animal Control wants to eliminate the hobby kennel license, everyone qualifying for the new license would be under the same ruling and have to keep those records on their dogs available for inspection. You must retain the hobby kennel license. Making everyone qualify for the commercial license will not eliminate people from owning and breeding dogs, they will become invisible again and you will lose much needed revenue, control and create busy work for the animal control department in hunting down these offenders. In the late 1980's, I was the one who initiated the idea of a kennel license. It brought a lot of people out of the woodwork when they realized that they could be open about their hobby, and they were willing to pay a reasonable fee for that freedom.

Roger Kadell and Robert Crain are both from Washington County. They have a history with the Miller's who run All Terrier Rescue who are also from Washington County. I believe this ordinance is being proposed to give them additional power to squash the Miller's operation. I am not a friend of the Miller's but they are harming no one and may be doing a service to some dogs that would otherwise have no home.

A malicious phone call triggered an unannounced visit to my kennel from Robert and Roger. They arrived in two county trucks, wearing their brown uniforms saying that they had received a report on my facility and proceeded to check out my property. At that time, I had guests, professional people from out of the area that had boarded their dog with me. I was intimidated, shocked and terribly embarrassed to put it mildly. My doors are open for anyone, at any time, but for them to arrive unannounced and in that manner, frightened me and made me realize how tenuous my operation is, even though I have a commercial license and have nothing to hide.

In closing, I would like to see the current regulations retained. If there is a violation and dogs are a nuisance or at risk, the existing laws and regulations should be enforced. If the animal control people aren't allowed to enter a property, with valid reasons, they can obtain a search warrant. These are volatile times with the extremists wanting to eliminate animal ownership entirely and we must be on guard that our rights are not whittled away, tiny ordinance by tiny ordinance".

Cheryl Anderson, 33180 Scappoose-Vernonia Hwy, Scappoose: She is a non-commercial kennel owner and for 18 years she has owned a non-commercial license in the same location. Now, with this ordinance, she feels that she is having to literally fight for her life. The ordinance basically says that if the AC officer doesn't like the type of dog food she is using, disinfectant, etc., they can yank her license. This ordinance is overkill and just unreasonable. If her license is yanked, she has 10 days to destroy her own dogs. She is an AKC Judge and does that professionally, she does not breed dogs professionally. In the last year and a half, she has had one litter. As an AKC Judge, she has vocational guidelines that she must follow. They allow for a Judge to breed their own dogs and have a private kennel, such as she has, but if she is required to obtain a commercial license, she will no longer be eligible to judge for AKC. That is part of her livelihood. She gives seminars around the US and if she is made to get a commercial license, the county will have impacted her ability to earn a living. She agrees that the county should maintain control where kennel conditions are horrible. However, if all these regulations are put in place, she will come under the zoning laws and will have to have 5 acres. She has under 5 acres and cannot afford to move. She knows of other kennel owners that have sold their properties and moved out of the county because of the kennel issues that came up with the Board last year. One of them was the President of the Dog Fanciers Association, whose shows earn \$72 million per year for the City of Portland. She would suggest that the Board take a hard look at this ordinance and redesign it with some more specifics in mind and less micro-management.

Commissioner Corsiglia asked if Cheryl knows of anyone that has had any of the OAR's imposed upon their operation? Cheryl stated that the OAR's are not the issue, it's what is being designed above and beyond OAR. That is what was designed in Washington County and there are now no more private kennels, and only 4 commercial kennels left in Washington County. The Tualatin Kennel Club used to donate thousands of dollars annual to the Washington County Animal Shelter and once their new rules were put in place, they pulled those donations. Cheryl stated that there were plans to start the South County Kennel Club out here until all this mess started.

Commissioner Corsiglia asked Roger that if 90% of this ordinance is required by OAR, what is the difficulty in enforcing the OAR's without the ordinance. Roger stated that the facility standards, other than #13, is part of the OAR, and would not have any objection to removing that standards. That was taken from the old county ordinance. Pretty much all other standards are in the OAR's and is technically enforceable against commercial and non-commercial kennels, however there are different situations and this ordinance takes out the debate as to who is a commercial or non-commercial kennel.

Commissioner Hyde asked how Roger would mitigate Cheryl's concern about her livelihood. Roger doesn't agree with her comments because he is not defining her as a commercial kennel.

Commissioner Hyde understood that the direction from the Board over a year ago was to have Roger work with the dog owners to come up with something that was agreeable to both sides. Roger explained that he was directed to work with John Knight to draft an ordinance that brought the county into compliance with state law and this ordinance is a result of that. Commissioner Hyde believes that direction was misconstrued. The Board wanted AC to be in

compliance with State Statutes and also to work something out with the dog breeding population in the county. Roger stated that there were discussions held with dog owners and the Scappoose CPAC. Not very much was added from the prior county ordinance and most of what was put into this ordinance was to come in compliance with the OAR's. Roger feels that a lot of this ordinance is being misinterpreted.

Commissioner Bernhard feels the issue of commercial versus non-commercial seems to be the big issue here. There seems to be 2-4 different types of kennels. Roger feels there are only a couple, however, the problem is that there are some that say there aren't commercial, but in fact are. There are people moving here that are being kicked out of other areas for non-compliance.

Commissioner Corsiglia feels there are people here today that should be able to help arrive at a way to help curing these issue with an acceptable program. Roger doesn't have a problem working with these people, as long as we come up with something workable that complies with the state statutes.

Commissioner Bernhard is struggling with this because there are so many different situations here and wonders how we manage to be fair to all the different segments of this group, yet keep everyone in compliance. It is obvious that this ordinance needs adjustments.

Terri Packard, 29231 Scappoose-Vernonia Hwy, Scappoose: She is concerned that dogs are being singled out from other animals. Commissioner Hyde explained that, by state statute, Columbia County is not required to have animal control. However, we are required by law to have dog control. Moving on, she has 6 Shelties and they are her pets. They are housed in her home and sleep in and around her bed. When she is at work, they are in the 10x20 dog run. This ordinance bothers her because it would give the Animal Control Officer more control than the police. She has a non-commercial kennel license. In trying to define "commercial", it has always been the belief that commercial is a boarding kennel, not necessarily a breeding kennel. She doesn't believe if someone has a litter of puppies that they should be considered a commercial operation. If animal control services is having financial difficulties, then perhaps they should enact a lease law and put a fine on it. That would easily raise revenues. Commissioner Bernhard wanted to clarify that, although Animal Control and the Humane Society share a building, they are two totally separate entities. Commissioner Corsiglia added that if the Humane Society goes out of business, it will have a definite impact on Animal Control. Terri thanked the Board for listening to an issue that is a very important to the dog people in this county.

Kathy Johnson, 52561 North Road, Scappoose: Her main concern is grouping the amount of dogs someone owns into a kennel situation. She agrees with the comments made here today that a kennel is considered an open business doing service to the public. Commissioner Hyde asked if someone had 12 dogs and bought 12 licenses, what about the neighbor that has to deal with the 12 dogs who may be uncontrollable. Kathy feels that would make no different if the person had a non-commercial license, however, people have to be responsible for their animals. On the other hand, Jake down the street has 3 pit bulls that have been on a chain all their life and he doesn't fall under any of this and that could be considered mistreatment of the animals. She is

not opposed to an ordinance, however, she has a problem with the number of animals someone can own and make them a kennel.

Mary Graff, 33561 Slavens Way, Warren: She is a breeder and has one, maybe two, litters a year. If she sells one puppy a year, she would be considered a kennel. Breeders do this to improve their breed, not to make a lot of money. They contribute to the community by paying vet bills, buying feed, etc. She considers herself a hobby breeder. The commercial designation is a problem. She also has problems with the standards of care. She feels there is a misunderstanding about how dogs raised, i.e., *dogs less than 6 months in age shall not be housed with adult dogs other than their mothers*. Her adult dogs teach the puppies and house them together. She is in favor of hobby kennels being inspected because it is important that people who have multiple dogs be inspected, however, not without prior notification. She questions the "commercial" aspect of this ordinance. There should be a designation for the different types of groups. She is sure that the County doesn't want to scare away some of the best breeders in the country. Most breeders don't have many dogs, they do it simply to improve the breed.

Erica Hall, 52563 North Road, Scappoose: She is not a kennel owner however she has shown dogs since she was a child. Currently, she is sandwiched between two AKC kennels and has had many nuisance problems to deal with so she is in favor of this ordinance. There believes that many of the people in this room today are very responsible, but there are a lot of breeders out there who are not. One of the problems in Columbia County is that there is no nuisance law, beyond the State law. This ordinance has been in the works for some time, but there is no teeth in it for filing complaints against problem kennels, or just problem dogs and should be addressed more appropriately.

Lisa Daross, 28268 Old Rainier Road, Rainier: Her background is showing dogs and being a vet technician for the last 30 years. She has also worked animal control. To her, a commercial dog breeder is someone who makes an income from their dogs. If you breed dogs appropriately, you do not make any money. Her annual vet bills are around \$20,000. The IRS considers her situation as a hobby, not commercial. She feels that a hobby kennel should be allowed. A good responsible breeder would not have an issue with inspections. Lisa would be interested in sitting on a committee to address the concerns in this ordinance.

Beverly Higgins, 28414 Parkdale Road, Rainier: She just wanted to validate what a lot of people have said here. Although she has a commercial kennel she agrees that diversity is an issue that is very valid. She left this meeting to call AKC and spoke with the director of the performance division. He informed her that their only role is to regulate the registration of pure breed animals, period. When they do inspections, it is purely to review the registration records to make sure that the animals are properly identified.

Suzann Lemire, 33596 Elladona Lane, St. Helens: She breeds Boston Terriers and Pugs. She doesn't show her dogs, however, some of her dogs are shown. When she moved to Columbia County, she paid an attorney \$2,500 to make sure that she was in compliance and within the guidelines of having her kennel. Even though she breeds and sells puppies, the attorney felt she would be in compliance, but if she were to board dogs, she would need to have a commercial

license. She believes this is a land use issue however way you look at it. Section 10(E) states that "*A copy of all kennel applications will be forwarded to Columbia County Land Development Services for review and compliance with current county land use regulations*". She would like to see that concern addressed because that will put a lot of people out of business. Regarding inspections, she doesn't mind them but would ask that some safety policies be put in place. When she had an inspection done, the dogs all got kennel cough afterwards. The inspectors go to a lot of different sites and may spread germs from one kennel to another. With regards to AKC, they do inspect the property when they are checking the records. Kennels have to comply with USDA regulations and use AKC as their inspecting body.

Christa Thompson, 54732 Mock Lane, Scappoose: She has a kennel license and has 8 personal dogs. It is not a commercial license, it's a hobby license. She purchased a female dog that was bread and now has a litter of puppies. Does that mean she needs a commercial kennel even though she plans to sell the puppies. She noted that she does not make a profit on this. She is also concerned with the land use issue in Section 10 because she has just a little under 5 acres. Commissioner Corsiglia asked what Christa felt her obligation is to the neighbors, having 8 dogs. Christa stated that she is very conscientious of that and, if they bark, they are brought into the house to minimize any noise.

Scott Groves, 57218 Old Mill Road, Scappoose: Most of the people that have spoken here today seem to have a main concern and that's the welfare of the animals. The way he reads the ordinance, he doesn't see how anyone could be opposed to it, since it does protect the animals. However, there is nothing in this ordinance to address the nuisance issue. He has a personal issue with a neighboring unlicensed kennel and wants to see something in this ordinance that addresses nuisance complaints. He also would suggest that the land use issue be addressed, if not in this ordinance, somewhere, to deal with the nuisances. He does not have a problem with kennels, with a hobby or commercial license - he loves dogs and has one of his own. However, when it has an impact on his property value and the enjoyment of his property, he takes issue with it. He does not feel that this ordinance is over kill.

Butch Higgins, 28414 Parkdale Road, Rainier: He is a commercial kennel owner. He thought most of the items outlined in the ordinance, were self evident. He agrees with it as a commercial kennel owner. However, after listening to the testimony given today, it appears that Animal Control has one definition for hobby kennel. Because of the number of people moving into the county to breed dogs, maybe that definition needs to be looked at. When asked, he stated that he has no problems with inspections, it's done in every other business. He would be willing to be part of any panel put together to look at this ordinance.

Deborah Meifert, 52745 E. Honeyman Road, Scappoose: She and her husband have a commercial kennel, but they do not breed commercially, only privately. Her husband has had the kennel since the 1960's. They are professional dog trainers and participate in AKC performance events. She agrees that a hobby kennel and commercial kennel are different. They have no problem with inspections, but it would be nice to have some type of notice.

Ray Ramsey, 29875 E. Meissner Road, Deer Island: He got a state GI loan to buy farm to build a kennel in Deer Island about 33 years ago. He has been a kennel owner ever since. The point he wants to make is that this ordinance is grouping everyone into one set of rules when there are about 9 different types of kennels. There is a difference between a hobby kennel, a commercial kennel, non-commercial kennel, etc. Lumping all of these types of kennels together in this ordinance will put many of them out of business overnight. He has kennels and sells puppies but makes no money on it. This is a hobby for him. He is trying to breed the best dog in the nation. If this ordinance is passed, it will drive him out of business. This ordinance is not written right.

Suzann Elladona Lane, St Helens: With the different types of breeds that are now considered dangerous and may be outlawed because they may be vicious dogs, insurance companies are looking closely at people that own dogs. She feels that if a lot of people have to go under a kennel license, they will not be able to get their home insured. That is a real concern for many people.

Cheryl Anderson, 33180 Scappoose-Vernonia Hwy, Scappoose: She has a couple of rebuttal comments. Regarding AKC, she is a confirmation Judge and does the beauty contest portion. She is not a performance Judge. There are different criteria for different types of Judges. Performance Judges are allowed to own commercial kennels, Confirmation Judges are not allowed to own commercial kennels. AKC has a "care and conditions" policy where if an inspector checking records see horrible conditions, they will report it to the county services so they can follow up on it. AKC will also follow up on their policy end of it. Cheryl is also concerned with the land use portion of this ordinance and that there is no grandfather clause. She has been in the same location, doing the same thing for over 18 years under county rules.

Ray Ramsey, 29875 E. Meissner Road, Deer Island: Ray feels the Board is being given some wrong information here. The AKC has no authority over him, in fact, AKC can't even shut down a puppy mill. They don't have any power. The only thing they can do is make sure someone's paperwork is in order.

Erica Hall, 52563 North Road, Scappoose: Erica just want to state that it's the USDA that regulates the puppy mills.

Roger Kadell gave some closing comments.

With no further testimony coming before the Board, the hearing was closed for deliberation. The Board feels there are a number of issues that need to be looked at based on the testimony given here today. The Board will look at putting together an ad hoc committee to look at this ordinance prior to any further action being taken. Commissioner Hyde suggested anyone interested in participating on this committee, to leave their name and number.

CONSENT AGENDA:

Sarah pulled Items (R) & (S) and held over for Counsel review. With that, Commissioner Hyde moved and Commissioner Corsiglia seconded to approve the consent agenda as amended:

- (A) Ratify the Select-to-Pay for 7/31/07.
- (B) Ratify approval to expend \$2,019 to Gillespie Graphics to place CC Rider logo on two SCAT vehicles.
- (C) Authorize Janet Wright to negotiate a Station Sharing Agreement with Metro West for transit radio system.
- (D) Authorize Janet Wright to negotiate with Larry Olsen Enterprises on possible lease of property on Port Avenue for transportation services.
- (E) Authorize the Chair to sign the Application with the Department of Veteran's Affairs to receive ODVA funding.
- (F) New 2007 Liquor License for "Your Neighborhood Deli, Inc."
- (G) Order No. 128-2007, "In the Matter of Granting Permission to the Vernonia School District 47J Echoing Evergreens Booster Day Camp to Conduct Archery and BB Gun Classes at Camp Wilkerson During Its Reserved Use From August 5 to August 10, 2007".
- (H) Resolution No. 129-2007, "In the Matter of Supporting Sustainable Management of Oregon's Public Forests".
- (I) Resolution No. 130-2007, "In the Matter of Appointing Wally Thompson as Justice of the Peace, Pro Tempore, to the Columbia County Justice of the Peace District".
- (J) Authorize Sheriff Derby to promote one Patrol Deputy position to Patrol Sergeant.
- (K) Authorize Sheriff Derby to fill one Corrections Deputy vacancy, if that vacancy occurs due to a lateral hire to Patrol.
- (L) Authorize Sheriff Derby to establish and fill one new Corrections Deputy position.
- (M) Authorize the Land Development Services Director to fill one vacant Planner III position.
- (N) Approve Public Road Event Permit for Hood-to-Coast Relay.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (O) Amendment #3 to the Personal Services Contract with MCM Architects, Inc.

- (P) 2007-2009 Partnership Agreement with the Oregon Commission on Children & Families.
- (Q) 2007-2009 Intergovernmental Agreement #0709COLU with the Oregon Commission on Children & Families.
- (R) FY 2007-2008 Work Plan and Proposed Budget between USDA, APHIS, Wildlife Service and Columbia County. **(PULLED & HELD OVER)**
- (S) Grant Agreement #24276 with ODOT, Public Transit Division for Vehicle Maintenance and Rehab. **(PULLED & HELD OVER)**
- (T) 2007 Fund Exchange Agreement #24242 with ODOT for Apiary Road Overlay Project.
- (U) Cooperative Agreement with the Oregon Department of Fish & Wildlife for Federal Aid in Sport Fish Restoration Act Funds for Beaver Landing and authorize the Chair to sign.
- (V) License Agreement with Cowlitz Transit Authority to allow Columbia County Rider to use space at the CTA Transit Center in Longview, Washington.
- (W) Approve Inmate Telephone Service Agreement with Global Tel*Link Corporation and authorize the Sheriff to sign.

The motion carried unanimously.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard attended the "Eyes Wide Open" presentation at the Scappoose City Hall with all the boots of servicemen killed during the war. It was very moving.

She attended the "Relay for Life" at the St. Helens High School. There was a very good turnout with record money raised.

She mentioned that the Concert in the Park in Scappoose and "13 Nights of the River" have been very successful this year.

The Chamber of Commerce held a re-organizational meeting. They are struggling financially and looking at possible solutions to help them stay in business.

She mentioned that the Humane Society is also struggling financially.

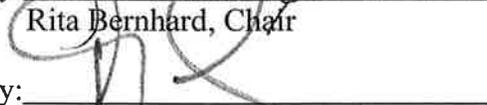
With nothing further coming before the Board, the meeting was adjourned.

Dated at St. Helens, Oregon this 1st day of August, 2007.

NOTE: A tape of this meeting is available for purchase by the public or interested parties.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Rita Bernhard, Chair

By: 
Anthony Hyde, Commissioner

By: 
Joe Corsiglia, Commissioner

Recording Secretary:

By: 
Jan Greenhalgh