

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

October 8, 2008

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

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

MINUTES:

Commissioner Bernhard moved and Commissioner Corsiglia seconded to approve the minutes of the October 1, 2008 Board Meeting and October 1, 2008 Staff meeting. The motion carried unanimously.

PROCLAIM OCTOBER 2008 AS "DOMESTIC VIOLENCE AWARENESS MONTH:

Jovanna Freeman, Women's Resource Center, came before the Board to give the Board some information and statistics on domestic violence, not only here in Columbia County, but everywhere. She is here today to bring awareness for those effected by domestic violence which is emphasized by the proclamation now before the Board.

Jovanna also stated that the Women's Resource Center will be hosting a Domestic Violence event on October 15th in the Old Town Plaza and invited everyone to attend and show their support. She would ask that the Board approve the proclamation before them today.

Commissioner Corsiglia asked if there are any statistics for domestic violence in Columbia County. Jovanna stated that because this is a silent issue and so many don't report it, it's hard to get accurate numbers, however they are trying hard to change that.

Commissioner Bernhard wanted to praise all of those who work with domestic violence victims and the issues surrounding it because this is a very real problem. With that, Commissioner Bernhard moved and Commissioner Corsiglia seconded to proclaim the month of October, 2008 as "Domestic Violence Awareness Month". The motion carried unanimously.

VISITOR COMMENTS:

None.

HEARING: ADOPTING THE COLUMBIA COUNTY KENNEL ORDINANCE:

This is the time set for the public hearing, "In the Matter of Adopting the Columbia County Kennel Ordinance".

Spencer presented the Board with the most current ordinance, which is the same one as mailed out to the Kennel Task Force Committee. Spencer reviewed the ordinance, noting the substantive changes from the original draft. In Section 1, "Definitions", it was the direction of the Board that these be taken directly from the OAR's and referred to them by reference. Under subsection (1) it states "*any property that houses 10 or more dogs over 6 months of age*". This is not in the OAR but was added so that Animal Control has a base number to go by. Subsection (6) was a compromise between what there was before and what the Task Force recommended. Spencer discussed the 2 hour notice for field inspections and how that number was determined. He then went over the fees to be established, which was also a compromise with the Task Force, however this is a decision for the Board. As far as the Kennel standards are concerned, they are exactly the same as the OAR, as directed by the Board.

On a separate issue, there has been some discussion to incorporate land use provisions into the Kennel Ordinance. Spencer stated that the purpose of this ordinance is to give Animal Control the ability to enforce 1) facility standards and 2) standards for the care of pets at kennels and is strictly limited. It does not get into where kennels are allowed or what land use prescriptions are imposed. Those can be considered however, this ordinance is not that venue.

After review of the ordinance, Spencer noted that 3 letters were received and have been listed as part of the record.

Commissioner Bernhard questioned the 2 hour notice for field inspections and asked if it would be more reasonable for a longer notice of time, assuming no animal(s) is in any danger. Roger stated that if longer time is given, it could possibly give a suspect owner time to clean up, remove dogs, etc., which defeats the purpose of a field inspection.

The hearing was opened for public testimony.

Skip Cook, 31295 Raymond Creek Road, Scappoose: He, along with his wife Kathy, own All About Pets in Scappoose. He really doesn't have objections to the concept of this ordinance, but does have some comments. This ordinance seems to only deal with kennel owners but Pet Stores are included in the definition section. His pet store does not sell dogs or cats and, in fact he strongly objects to selling them in any pet stores. Purchasing dogs at a pet store started back in the 40's and 50's to fill up pet stores, which created "puppy mills". His store partners with the local Humane Society and refers those wanting a dog or cat to go there. In this ordinance, as defined by ORS, pets means any pet. He feels this is too broadly based and could mean breeders of any animals that could be considered a pet. He would then wonder why 4H or even Veterinarians aren't included. He is already under the management of the USDA, who can and does inspect their store, without any notice. Another issue is under Section 1c. As he understands it, all entities will be required to be licensed under this Kennel Ordinance - does that mean his landlord will also have to get a kennel license.

Spencer stated that provision is included to exempt landlords, mortgagees. Commissioner Corsiglia referred to the second sentence which states "landlords, lessors, contract vendees, ..." are included. Spencer stated that this is something the Task Force may want to look at. Skip has two solutions to this. Under Section 1(6) simply add "who sells dogs". Or add language that would allow someone to file for an exemption. One or both would resolve the issue. Spencer added that the definitions in this ordinance are defined in the OAR's, which include pet stores.

Barbara Aulbach, 27428 Gibb Road, Scappoose: She is the owner of Caledon Kennels, which is a commercial kennel in the county. She was on the Kennel Task Force (KTF) and feels this current ordinance is a good compromise. She explained why the Task Force included pet stores in the ordinance and feels it should remain, however, she would favor some clarification. The Task Force worked very hard on this and worked under the parameters they were given. She noted that they did not address noise issues or land use issues, only kennel. Commissioner Corsiglia asked why vets were not included. Barbara stated that the KTF would like to have included vets, because they can and do board pets, but they are exempt under state statutes.

Cheryl Anderson, 33180 Scappoose-Vernonia Hwy, Scappoose: She was also a member of the Kennel Task Force. Although she is grateful to be allowed to have a voice in drafting this ordinance, she feels that many of the substantive recommendations the KTF made have been removed. She now feels that she wasted many months of time on this. Regarding the ordinance itself, private and show kennels are not covered. She explained her situation with her mother, who is ill and has spent time in the hospital. Cheryl is away from the house for this and, if she should miss a field inspection for days, she can be fined because that is what this ordinance says.

Commissioner Hyde stated that this ordinance is to protect against puppy mills and non-compliance kennels. In her case, she is a responsible pet owner and this would most likely never effect her.

Cheryl then addressed her concern with Section 10, which states more than 10 dogs over 6 years old. She has more than 10 dogs and most are geriatric dogs. If she doesn't want to be covered under this restrictive ordinance, she would have to put some of her dogs down. The Board stated that would be a choice she would have to make. Cheryl also has a concern with Section 10d that all kennels shall at all times be serviced by a franchised solid waste hauler for the regular disposal of animal waste. Under this ordinance, she can no longer take this to the dump. She would have to have it picked up and that would cost her an additional \$86 more a month. She is all for animal welfare, but she wanted to voice her concerns with this ordinance. Cheryl also wanted the Board to know that there are some new OAR's just this year, that may effect this ordinance.

Scott Grove, 57218 Old Mill Road, Scappoose: He has 3 concerns with the ordinance. One is a discrepancy he found between this ordinance and the current zoning ordinance, in the definition of a kennel. The ordinance would allow for 10 dogs before requiring a license, however, the zoning ordinance defines a kennel as 4 or more dogs or cats. This discrepancy should be addressed. Secondly, Roger Kadell made Scott aware of a loophole that exists in the state statutes which defines a keeper of an animal and it could be interpreted that animal shelters and non-profit rescue groups could be exempt and this ordinance didn't close this up. Roger stated that he informed Spencer about this loophole.

Spencer stated that Roger asked that "keeper", as defined by the ORS, be included

in the ordinance. Spencer reviewed the ORS and the County does not have the ability to do that. Roger was asking that it be included in the ordinance so that he could cite kennels for barking dog violations, however, the statute says that a keeper as a person that owns, possesses, controls or otherwise has charge of the dog, other than a licensed business, humane society, etc. The County cannot undo the exception stated in the statute.

Scott disagreed and explained. Spencer stated that to do this, the county would have to adopt the ORS positions and state that we are making this statute subject under county ordinance. So this loophole can be fixed, but not through this ordinance.

Lastly, Scott cannot stress this enough and understands that he has a certain situation. He feels that it is irresponsible of the county to not consider the land use issues with this ordinance. That restriction given to the Task Force should be lifted and addressed.

Commissioner Hyde explained the reason land use was not included here. This ordinance is specific to kennel operations and the health of the animals. Scott understands that, but would plead with the Board to do something to address his issues.

Commissioner Hyde questioned the comment on the discrepancy of the number of dogs in this ordinance and the zoning ordinance. Spencer stated that there are two definitions, however, the number in the kennel ordinance is specific to that ordinance to address licensing issues. The number in the zoning ordinance is for a totally separate purpose.

Erica Hall, 52563 North Road, Scappoose: She was on the KTF committee and was very disappointed to the approach from the other members. She feels the committee was very unbalanced and they were not as productive as they could have been. She was seen as participating on this committee only to address her own personal issues, which is not the case. She is very concerned with the health and welfare of the dogs in this county. She would be interested in serving on another committee to address the land use parts of this.

Commissioner Bernhard and Hyde respectively disagreed and felt the KTF put a lot

of time and energy into this ordinance.

Christa Thompson, PO Box 1064, Scappoose: Christa stated that Erica was part of the Task Force and at the first meeting, all the members explained why they were participating on this committee. They found that Erica and Scott had specific issues and that those issues could not be rectified through this ordinance. She feels that it may have taken some time, but the committee did come together on this. There were some heated discussions, but only one person voted against the recommended ordinance now before the Board.

With no further testimony coming before the Board, the hearing was closed for deliberation. Based on the testimony received and some issues to address, deliberations were carried over to allow staff time to make the necessary changes to the ordinance.

LAND USE SIDE OF KENNEL OWNERS:

Based on the discussions during the Kennel Ordinance hearing and understanding the need to address the land use provisions that would apply to kennels, there was a consensus of the Board to form a Task Force to address those issues. Commissioner Corsiglia stated that there should be some specific parameters set for the committee. Commissioner Hyde then asked anyone present who would be interested in serving on this new committee to add their name to the sign up sheet being passed around and they would be contacted.

CONSENT AGENDA:

Commissioner Hyde read the consent agenda in full. With no changes and/or additions, Commissioner Bernhard moved and Commissioner Corsiglia seconded to approve the consent agenda as follows:

- (A) Ratify the Select-to-Pay for 10/7/08.
- (B) Ratify Partition Plat for Elk Ridge Estates, Phase 3.
- (C) Ratify approval to submit a Business Energy Tax Credit Application with the Oregon Department of Energy for the Purchase of Two Transit Vehicles.

- (D) Authorize the Land Development Services Director to fill one vacant temporary part-time License Writer.
- (E) Authorize the purchase of 2 new buses for the Columbia County Rider.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (F) Amendment #2 to the ODOT Public Transit Division Grant Agreement #24263 for Capital Vehicle Purchase.
- (G) Amendment #1 to the ODOT Public Transit Division Grant Agreement #24276 for Vehicle Preventive Maintenance.
- (H) GIS Data License Agreement with PACE Engineers, Inc. and authorize the Chair to sign.
- (I) GIS Data License Agreement with Realtime Worlds, Inc. and authorize the Chair to sign.
- (J) Rental Agreement between the Columbia County Parks Department and Theodore O & Carrie Gross at Camp Wilkerson.
- (K) Amendment #2 to the Personal Services Contract with Parametrix, Inc.
- (L) Personal Services Contract with Acti-Dyne Survey Research, Inc. for survey on public transportation services.

The motion carried unanimously.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde shared the good news that the timber funds have been restored for another 4 years. There will be a 10% reduction annually, however that will give the County some time to look at some options. As Budget Officer, he would recommend that the personnel cuts made in July be reinstated, effective November 1st. He would also recommend that the Board meet to have some discussion on the filling of vacant positions that were not approved. Commissioner Corsiglia would strongly suggest that this funding not be considered a windfall and that a rainy

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day fund be looked at. The Board agreed.

COMMISSIONER CORSIGLIA COMMENTS:

Commissioner Corsiglia was in Vernonia over the weekend for the Salmon Festival but was disappointed to see the weather dampen the event. However, it is always a good event.

He finally received word that he will be having knee surgery this month so he may miss a meeting or two.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard attended the CEPA meeting yesterday. Discussion was held on responding to emergencies and coordinated efforts for emergencies, on-going training, etc.

She also attended a NOHA meeting last week. They talked about the difficulties with the economy which is having a real impact on housing here in Oregon. She has received a lot of calls from people who are having problems with getting assistance with housing, food, power bills. Columbia County is definitely being effected by the struggling economy.

She informed the Board that she will be out of the office for the next few days to attend a GOHBI conference in Portland. They are also being effected by the economic crunch.

There was no Executive Session held.

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

Dated at St. Helens, Oregon this 8th day of October, 2008.

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

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FOR COLUMBIA COUNTY, OREGON

By: _____

Anthony Hyde, Chair

By: _____

Joe Corsiglia, Commissioner

Recording Secretary:

By: _____

By: _____

Rita Bernhard, Commissioner

Jan Greenhalgh