

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

November 24, 2009

The Columbia County Board of Commissioners met in scheduled session with Commissioner Rita Bernhard, Commissioner Anthony Hyde and Commissioner Earl Fisher, together with Sarah Hanson, County Counsel, Spencer Parsons, Assistant County Counsel and Cynthia Zemaitis, Acting Board Secretary.

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

MINUTES:

Commissioner Hyde moved and Commissioner Fisher seconded to approve the minutes of the November 10, 2009 Board meeting. The motion carried unanimously.

VISITOR COMMENTS:

None.

HEARING: STARLA GEBBIE CONDITIONAL USE PERMIT IN RR-5 ZONE:

This is the time set for the public hearing, "In the Matter of the Appeal of the Application by Starla Gebbie for a Conditional Use Permit for a Type II Home Occupation to Operate a Hair Salon from her Residence in the Rural Residential (RR-5) Zone".

Spencer Parsons gave a brief background of the application for a Type II Home Occupation and this appeal. This is a de novo hearing by the Board, which means the record is open to new testimony and documents. Spencer asks if the Board has had any ex parte contacts or conflicts of interest. Commissioner Bernhard indicated that Ms. Gebbie called her on 10/16/09 asking about the appeal process, and indicating she had some personal and financial issues and needed this hearing to be scheduled as soon as possible. Commissioner Bernhard explained the time constraints to her and asked her to call Jan. She also told Ms. Gebbie that the Board's decision needs to be based on the criteria and not on personal issues.

There was no rebuttal to the explanation of the ex parte contact. Commissioner Bernhard intends to participate in the hearing today. There were no other ex

parte contacts declared or conflicts of interest.

Spencer read the pre-hearing statement into the record as required by ORS 197.763. He then entered County Counsel's hearing file into the record as Exhibit "1" and referred to a list of all contents.

Glen Higgins, Chief Planner, gave the staff report. Ms Gebbie, 54235 Freeman Road, Scappoose, Oregon, has applied to operate a hair salon out of her home. This property is zoned RR-5, and there are several residences in this area. The Planning Commission approved this application on September 14, 2009. Julie Jackstadt has appealed this decision based primarily on the increased amount of traffic which already serves a 40-space mobile home park at the end of the road. Glen stated that home occupations are allowed in the RR-5 zone as a conditional use; that any sign will be limited by our sign ordinance; and that there is a circular driveway which has plenty of room for off-street parking. The County's Transportation Planner has indicated that the proposed hair salon may increase traffic at the rate of approximately 1 additional car per hour, which will minimally impact Freeman Road traffic. The approximate 2.9% increase in traffic does not meet the minimum threshold for conducting a traffic analysis, and is deemed to be of minimum impact.

Glen indicated that the County sanitarian will need to do a septic authorization to change the use on this system, and will ensure that items being drained into the system won't be harmful. Also, the applicant will be the only employee, except when someone else comes on so she can take time off. Planning staff recommends approval of this application with the 10 conditions noted.

Commissioner Hyde asked whether this home occupation could be expanded significantly without coming back for another conditional use permit. Glen says no, that is one of the conditions.

PROPONENTS:

Starla Gebbie, 54235 Freeman Road, Scappoose, Oregon. Ms. Gebbie submitted and read her written testimony into the record, marked Exhibit "2". She also submitted a petition of support from many of her neighbors and the surrounding community, marked Exhibit "3". She stated that the salon was outfitted when the home was built, and no plumbing, electrical or building permits will be needed. A second employee will only be working to relieve her. She will also provide one ADA and one regular parking place should the permit be approved, and will comply with all other conditions. She asks that the Commissioners approve this permit.

Alta Lynch, 32169 Scappoose-Vernonia Hwy, Scappoose. Ms. Lynch asked that the Commissioners approve this permit. She believes that Ms. Gebbie has met all the requirements. The appellants waited until after the Planning Commission to bring forth any objections. She was asked to speak to those in opposition, so she spoke with Ms. Jackstadt about her concerns and if there was any way to mitigate those concerns. Ms. Jackstadt declined to talk about it and Alta also talked with another neighbor in opposition who declined to talk. Ms. Lynch feels the amount of increased traffic is analogous to having a teenager or two next door. In addition, several of the neighbors could walk to the salon.

Allen Wendlandt, 54118 Freeman Road, Scappoose: He owns the mobile home park at the end of Freeman Road. He has lived there for approximately 62 years, and everyone living there knew the mobile home park was there. He is in favor of the Board approving of this application.

He stated that Freeman Road is a 60' road and felt that women getting their hair done was not going to impact traffic.

OPPONENTS:

Julie Jackstadt, 54260 Freeman Road, Scappoose, Oregon. She has lived on Freeman Road for 16 years and the road conditions have been a concern of all the neighborhood, and has often been addressed in letters. She put up a graph of Freeman and Honeyman Roads, which was entered into the record as Exhibit "4". She reminded everyone that this area is zoned RR-5, and read the definition of "rural". She agreed that some of these houses were there before it was zoned RR-5. One of the big concerns with increased traffic is the animals in this area, i.e., sheep, cattle, horses, dogs. Almost everyone in this neighborhood has animals, and many have had their animals hit. Some years ago, she attempted to get the County to put in speed bumps, but was turned down. So now the neighbors are letting the road deteriorate so as to slow people down. Dave Hill is in agreement with this. When she and her husband, Henry, saw the conditional use application, they were immediately concerned, and agreed to submit a letter. They did not know they could ask for a Type I home occupation, to which they would not object.

Even though the tax map indicates there are a bunch of homes on Freeman, many of

those homes are no longer there; she indicated on the map attached to the staff report where homes are no longer there.

Ms. Jackstadt said that the final order indicates that Ms. Gebbie could employ no more than 2 people – that would be Ms. Gebbie plus 2 additional ones, which is a lot of customers every hour. The other concern is with the sign. The applicants feel that a Type I permit is the correct permit to be issued in this situation. If a Type II is approved, she asks that no sign and no employees be allowed. Commissioner Bernhard reminded everyone that one of the condition requires Ms. Gebbie to meet the sign ordinance criteria.

Charles Beaston, 54330 Freeman Road, Scappoose. Mr. Beaston was a millwright when he moved there, and thought he could build a shop when he retired. Now there has been so many changes, he's not sure what is what. Mr. Beaston talked about the 4 prior trailers on Dairy Lane, all emptying into one drainfield with no tank and the problems that arose. He wants to make sure that everyone has taken a really close look at this permit and potential business. He is concerned about the potential to change the community if this permit is granted. He feels the County is lax on what it permits. Mr. Beaston submitted some documents into the record which were marked as Exhibit "5".

Henry Horvat, 54162 Freeman Road, Scappoose: Mr. Horvat stated that the decision on this permit should not be based on personalities, or on a petition signed by anyone more than 300 feet away from the Gebbie residence. He is concerned about the wells and roads. First, the wells. He visited a beauty shop and picked up a bottle of shampoo. He read the ingredients into the record. If the applicant was on a sewer system, he would have no objections, but everyone has wells. His most pressing concern is with the street. There may be a 60' right-of-way, but the actual paved portion is 15-to-16 feet wide. He was forced to increase a shared driveway to 20' by the fire department and finds it interesting that Freeman Street is narrower. He also measured the width of other streets in the area, and they are all much wider. If Freeman Road could be widened and paved to 20', he would have no objection. The County came up with 540 cars a day, which relates to 10 trips per home. He totally disagrees with that assessment.

Paris Horvat, 54162 Freeman Road, Scappoose. She stated that, not only is the street 15' wide, if there's 2 cars, someone has to drive off the pavement to pass.

There are no shoulders or sidewalks. Everyone has to drive down the center of the road. She had asked some time ago that there be a dead-end sign installed and a speed limit posted, but nothing was done. She would also like to know what study was done to indicate 500 cars a day.

REBUTTAL:

Ms. Gebbie can't believe what she is hearing. She believes there is an agenda far beyond what she wants to do. She has been a hair dresser for 40 years, always keeps her license up, and would never harm anyone. All of the products she would be using have been approved by OSHA. Ms. Gebbie just wanted to say that she doesn't want to harm anyone. She has been put out of business for some time, and is just about out of time. She simply wants to get by and be there for her family until the time comes she can stop working. She only has one chair and one shampoo bowl. There is no room to handle more than one customer at a time.

With no further testimony coming before the Board, the hearing was closed for deliberation. Commissioner Bernhard feels that there will not be a huge increase in traffic; if there would be, she would have some concerns. The most Ms. Gebbie could have is one client an hour, or 8 clients a day. She doesn't believe that will be that big of an increase. As far as the other issues, there are 10 proposed conditions. The Planning staff, Planning Commission and road department have addressed all of the concerns and don't see a problem with approving this permit. She recommends they go ahead and approve this with the suggested conditions.

Commissioner Hyde stated hasn't heard any testimony that would cause him to overturn the decision of the Planning Commission.

Commissioner Fisher wants to thank the person who would take the initiative to start a business in this climate. He believes the business meets the spirit and the law currently in place.

After discussion, Commissioner Hyde moved and Commissioner Fisher seconded to tentatively approve the application on CU 10-05 with staff's 10 proposed conditions, deny the appeal of Julie Jackstadt, and direct staff to prepare an appropriate order. The motion carried unanimously.

CONSENT AGENDA:

Commissioner Bernhard read the consent agenda in full. Sarah stated that **Item G** is not yet ready for approval and asked that it be removed. With no further changes/additions, Commissioner Hyde moved and Commissioner Fisher seconded to approve the consent agenda as follows:

- (A) Ratify the Select-to-Pay for 11/10/09; 11/17/09; 11/24/09.
- (B) Waive the fee of \$287.50 for an application to extend the filing of a final partition plat, MP 09-07 (2 acres at Fairgrounds property).
- (C) Appoint Cathy Baird and Mike Elsasser to the Local Public Safety Coordinating Council.
- (D) Authorize Community Corrections Director to fill one Parole/Probation Officer vacancy.
- (E) Approval to submit the application for *ConnectOregon III* Grant program for the purchase of seven (7) IC HC Hybrid Electric Vehicles for public transit purposes.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (F) Amendment #1 to Intergovernmental Agreement by and between Columbia County and City of Vernonia for Hazard Mitigation Grant Program Administration.
- (G) Amendment to Nexus Telephone Service Agreement. ***[REMOVED AND CARRIED OVER]***
- (H) Amendment #1 to the Public Works Cooperative Assistance Agreement.
- (I) Memorandum of Agreement with the Alliance for Community Traffic Safety in Oregon (ACTS Oregon) and authorize Jan Kenna to sign.
- (J) Public Services contract with Dan Luttrell dba Tree Heroes.
- (K) Amendment 2 to the Oregon Commission on Children and Families 2009-2011 County Intergovernmental Agreement COL0911 and authorize the Chair to sign.

The motion carried unanimously.

REQUEST TO FILL (1) APPRAISER POSITION:

Sue Poling, County Assessor, requested approval to fill one Appraiser position. Commissioner Hyde moved and Commissioner Fisher second to approve this request. The motion carried unanimously.

PROPOSED CHANGES TO ARCHIVE RULES FOR ELECTRONIC DATA:

Sarah Hanson spoke with the Archive Division this morning and was told that most of the sections that raised concerns were not adopted. These would have been very costly for the County to implement. The proposed rule change is going back to the advisory committee. She was placed on the list to be notified when it comes back up for hearing again and will sending out a notice to AOC to monitor these changes.

REQUEST TO PURCHASE CAMERA FOR ELECTIONS OFFICE:

Sarah Hanson indicated that this agreement creates IT concerns and Jean Ripa asks that it not be approved at this time. Bill Potter disagrees, and indicated that this camera will be plugged into the state system. Sarah also reminded the Board that Betty has authority to enter into contracts that are less than \$5,000. After discussion, Commissioner Hyde moved and Commissioner Fisher seconded to authorize the Clerk to go forward with this purchase. The motion carried unanimously.

UNMET NEEDS COMMITTEE RECOMMENDATIONS:

Commissioner Bernhard stated that the Board received this request a couple of weeks ago, but Commissioner Hyde was not available at the time. Sarah prepared some motions after talking with Dan Brown to understand exactly what was needed by the UNC. There are 7 separate total motions.

After discussion, Commissioner Hyde moved and Commissioner Fisher seconded to approve the following:

Approve Unmet Needs Committee Policy to fund handicap ramps only for clients that have a handicap access permit unless the Unmet Needs Committee or CAT approves the funding after looking at the need on a case by case basis. The motion carried unanimously.

Approve an increase in Unmet Needs Committee Fund gap funding by \$5,000 to a total of \$65,000 per project until financing is received. The motion carried unanimously.

Approve Hazard Mitigation Grant Program fund elevation projects for Client #840 (51,252.20), Client # 1506 (\$43,719.75), and Client # 1458 (\$43,123.79). The motion carried unanimously.

Approval to support the recommendation of the Unmet Needs Committee for the County to apply for two additional Community Development Block Grants for elevation/repair (\$500,000) and for acquisition projects (\$500,000). The motion carried unanimously.

Approve the Unmet Needs Committee Policy to fund steps and decks in a manner that will maintain the value of elevated structures to the extent possible while complying with CDBG regulations. The motion carried unanimously.

Approve the Unmet Needs Committee Policy to limit CDBG Grant funds to be used for decks/steps to \$10,000, with an additional \$2000 upon demonstration of the client of low/median income status, unless the Unmet Needs Committee or CAT approves additional funding after looking at the need on a case by case basis. The motion carried unanimously.

Approve Hazard Mitigation Grant Program fund elevation projects for Client #0718 (\$49,943.16), Client # 0620 (\$52,971.24), and Client # 1420 (\$61,901.40). The motion carried unanimously.

REQUEST TO SUBMIT GRANT APPLICATION FOR FAIR GROUNDS

Commissioner Bernhard stated that the Board received a request from Ronda Courtney to apply for an energy efficiency grant for the fairgrounds. Commissioner Hyde doesn't see anything in the packet about this. Commissioner Fisher is uncomfortable with moving forward without further information. The Board will recess the meeting and attempt to gather more information before taking any action.

COMMISSIONER BERNHARD COMMENTS:

The Board was out last week to attend the annual AOC conference in Portland. This is always a good venue to share information with other counties.

COMMISSIONER HYDE COMMENTS:

No comments.

COMMISSIONER FISHER COMMENTS:

After some brief discussion, Commissioner Fisher moved and Commissioner Hyde seconded to instruct staff to put out an RFP for a facility study of the courthouse. Under discussion, Bill Potter indicated that he and Commissioner Fisher would work together on this and has already had two informal quotes from two architectural firms for approximately \$35,000. Before putting out a proposal and asking architects to go through all this work, he would ask that there be some funding commitment. The motion carried unanimously.

EXECUTIVE SESSION UNDER ORS 192.660(2)(h)(d):

The Board recessed the regular meeting to go into Executive Session as allowed under ORS 192.660(2)(d). Upon coming out of Executive Session, no action was taken.

The Board immediately recessed the regular meeting to go back into Executive Session as allowed under ORS 192.660(2)(e). Upon coming out of Executive Session, Commissioner Hyde moved and Commissioner Fisher seconded to allow the Oregon State Police a limited license to use the old firing range known as Watters Quarry for December 1 and 2, only, for night shooting, and authorize staff to prepare letter for the Chair's signature. The motion carried unanimously.

The Board again recessed the regular meeting to go back into Executive Session as allowed under ORS 192.660(2)(h). Upon coming out of Executive Session, Commissioner Hyde moved and Commissioner Fisher seconded to approve the letter to REDCO giving notice of the intent to terminate the Intergovernmental Agreement dated February 15, 2006. The motion carried unanimously.

The Board recessed the meeting and reconvened at 1:13 p.m, with Commissioner Bernhard and Commissioner Hyde, together with Spencer Parsons, Assistant County Counsel

REQUEST TO SUBMIT GRANT APPLICATION FOR FAIR GROUNDS:

Commissioner Bernhard spoke with Ronda Courtney, Fair Grounds Administrator, who indicates they need preliminary approval to prepare and submit a grant application for ARRA funding under the Energy Efficiency Block Grant. The grant will allow them to change out the existing heating system and replace it with radiated heat, and replace the existing exterior doors to the pavilion. The grant is estimated at \$36,000 to \$40,000, with no match required and no employee involvement. The application must be submitted by December 15, 2009. Ronda has been working with the Oregon Department of Energy, and Energy Trust has already completed an evaluation.

With that, Commissioner Hyde moved and Commissioner Bernhard seconded to authorize Ronda Courtney to sign the completed application and submit a copy to the Board for approval prior to

BOC Minutes

11/24/09

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be submitted. The motion carried unanimously.

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

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

Dated at St. Helens, Oregon this 24th day of November, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____

Rita Bernhard, Chair

By: _____

Anthony Hyde, Commissioner

Recording Secretary:

By: _____

By: _____

Cynthia Zemaitis, Acting Board Secretary

Earl Fisher, Commissioner