

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

June 4, 2014

The Columbia County Board of Commissioners met in scheduled session with Commissioner Anthony Hyde, Commissioner Henry Heimuller and Commissioner Earl Fisher, together with Sarah Hanson, County Counsel, Robin McIntyre, Assistant County Counsel and Jan Greenhalgh, Board Office Administrator.

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

MINUTES:

The minutes of the May 28, 2014 BOC and Staff meetings were held over one week.

VISITORS:

Annie Christensen, 35234 Hazel St., St. Helens: She is here today to express her concerns that the citizens of Columbia County are being excluded from the public process concerning SB 766. She read her prepared statement into the record. She would ask that before the Board consider a resolution of support for Port Westward to be a specially designated industrial area, please hold a public hearing.

Paulette Lichatowich, PO Box 439, Columbia City: She supports the request by the Vision of Columbia County in requesting that the Board hold a public hearing on the SB766 application by the Port of St. Helens. She also requested that County Counsel provide an independent analysis and written report for the public on SB766 and the regionally significant industrial area designation. Lastly, Commissioner Heimuller had previously asked for copies of correspondence between Gary Shepherd and the EERC

staff. Paulette asked if that information had been received and if she could obtain copies.

Paulette then submitted to the Board, a flow chart of the SB 766 application with a list of all the properties that are being bundled together in the Port of St. Helens application. She understands this is just in draft form but it's important for the people to know what these properties are.

Danner Christenson 35234 Hazel Street, St. Helens: He is here again today representing the concerns of the 61 members of the Envision of Columbia County. Yesterday, he sent the Board a link to a news article titled "Producers Make the Case for Crude Oil Exports" and he would ask that the Board consider this information when making their decision on SB766. Oil exports seems to him to be the elephant in the room that no one wants to talk about but is a concern to many. Danner read his prepared statement into the record addressing his concerns with rail safety and oil transport.

HEARING: FY 2013-14 SUPPLEMENTAL BUDGET:

This is the time set for the hearing to address the Columbia County budget for fiscal year 2013-14. Sarah Hanson briefly explained that this hearing is required based on the additions to the general fund budget over 10%. A resolution has been prepared for Board consideration.

The hearing was opened for public testimony.

With no testimony coming before the Board, the hearing was closed. After deliberations, Commissioner Heimuller moved and Commissioner Fisher seconded to approve Order No. 19-2014, "In the Matter of Authorizing Supplemental Budget Appropriations, Contingency Transfers and Inter-Fund Transfers for Fiscal Year 2013-2014". The motion carried unanimously.

HEARING: TODD VIKEN CONDITIONAL USE PERMIT FOR DOG KENNEL:

This is the time set for the public hearing, "In the Matter of the Application of Todd and Liana Viken for a Conditional Use Permit to Operate a Dog Kennel as a Type II Home Occupation in the Rural Residential (RR-5) Zone".

Commissioner Heimuller declared exparte contact in that he was allowed to put up a campaign sign on the Viken property and has seen the Viken's at various public events, No conflicts of interest or exparte contact noted by Commissioner Hyde or Fisher.

Robin read the pre hearing statement into the record and entered County Counsels hearing file which includes all documentation submitted to date, as *Exhibit "1"*.

Glen Higgins, LDS Planner, came before the Board to give the staff report on application CU 14-11. He reviewed the application by Todd and Liana Viken for a conditional use permit to operate a dog kennel as a Type II Home Occupation in the Rural Residential Zone. The applicant has been successfully operating a dog kennel and boarding facility as approved by the Board in November 2010. The applicant is now wanting to construct a new 4,000 foot kennel structure to move the dogs out of the basement. Glen reviewed the application criteria and restrictions. The Planning Commission held a public hearing on 4/7/14 and approved application CU 14-11, with conditions. On April 15, 2014, that approval was appealed by Mary Larson for the reasons that the kennel was too close to neighboring property owners and that the noise would impact those neighbors. Based on the criteria, Staff recommends approval, with the 16 conditions listed in Planning Commission Final Order CU 14-11, with an amendment to condition 14. Commissioner Hyde asked if there is a condition that the dogs be shuttled to the property. Glen stated

that it is not currently a condition but that has been the Viken's practice and can be added as a condition if directed.

The hearing was opened for public testimony.

PROPONENTS:

Liana & Todd Viken, 55501 Columbia River Hwy, Warren: She is here today to state that she has been operating this business for 3 years now and has done everything she has been asked to do. The Animal Control has visited the site and is very impressed with the operation. Liana is asking that she is being allowed to build this facility for the animals. She entered a photo board into the record that outlines the property in Warren and another photo board with pictures of her facility in Beaverton, which she has been operating for 10 years with no complaints in all of that time. The (2) photo boards were entered as ***Exhibit "2"***. Commissioner Fisher asked about shuttling the dogs. Liana answered that she provides pick up and deliver, however appointments can be made for any drop offs.

Cecil Walter, 1545 3rd St., Columbia City: Although he doesn't live close to this property, he has been there, has helped the Vikens with their business and has seen how they run their facility - and it's a great facility. What bothers him most about this appeal is that here we have a local business owner that is meeting all of the criteria as set forth by the Planning Commission and not allowing the property owner to use their property as forth in the law. As for the noise complaints, he has been to the Viken's facility in Beaverton and it's quite, the dogs are not barking. He is in support of this application.

Sandra Lee Viken: She is Todd Viken's mother and she lives with them. She knows that Liana and Todd has invited anyone that may have concerns about this facility to come and visit. There was one lady who came to the house for a separate issue, and, when she left, didn't even realize there were dogs downstairs.

Alta Lynch, PO Box 369, Scappoose: She has been to both of the Viken's facilities. She has never ever heard dogs barking. Although there have been complaints on some dog kennels in the county, the Vikens should not be judged on those. The Viken's facility is so clean and quite. They have been operating this facility on Highway 30 for 3 years with absolutely no complaints, even from those appealing this application. She would encourage approval of this application.

Diane Dillard, 124 N. 2nd St. She has known Liana for years and actually took her dog to the Beaverton facility and immediately saw how clean and quite it was. She was very impressed with their facility.

Theresa Holt, 725 Maplewood Drive, St. Helens: She has known the Viken's for years. She has visited the Warren site many times and never hears the dogs barking, just playing - same as the doggy daycare in Beaverton. She wonders why those complaining haven't visited th site to see how it's being run.

Terry Lottie, 33317 SW JP West Road, Scappoose: She had an 11 year old dog that, because of her working schedule, was going to have to relinquish it. Liana told her to just bring the dog to her. Terry visited the facility and she (and her dog) loved it. The site was quite and very clean. Her dog gets regular exercise and is totally spoiled. She

cannot say enough good about this business. It saved her from having to give up her dog.

OPPONENTS:

David Wilson, 55540 Shamrock Way, Scappoose: He is opposed to this proposed facility because it's a major change to the rural residential area. The construction of a 4,000 sf building, from what he's seen in the application, will be 50 feet high in the middle of what is primarily residentially zoned and it will severely change the character of the land and the neighborhood for good. On page 244 of the CCZO, a conditional use can be granted if it does not alter the character of the surrounding area in a manner that impairs or precludes the use of the surrounding properties for the primary uses listed in the underlying district. He believes this building would impair existing uses. He pointed out that Fishers Dip is only about 1/4 mile away from his property and David read in the application that this is not a big game corridor through there. The fact is you can see elk down there almost every day and they even go through the back of Davids property. He would ask the Board to consider the 77 signatures in opposition to this application and would encourage them to Board to consider the question - is this residential zoned property or commercial zoned property? He has no problem with people wanting to have their own business, this is just the wrong site for it.

Commissioner Fisher has not seen any specs on the building itself so he's not sure where Mr. Wilson's figures come from. Glen stated that the building permit has not been applied for at this time, so there are no drawings or dimensions at this point.

George Benz, 55580 Shamrock Lane, Scappoose: He lives in a neighboring subdivision approved by the Board back in 1972. Since that time, the surrounding properties have been partitioned down and developed to the fullest extent possible for residential housing and it should remain that way. Now the Viken's move in and want to change it to commercial. He has heard that people will be coming and going from the property for the business and his concern is that a sweet old lady will be taking her dog there and try to take a left across the highway during rush hour and she's going to get run down. There have already been 2 fatality accidents directly in front of this home. When he and his wife were collected signatures for their petition, what they heard most was how hard it is to get on and off they highway. He referenced the Animal Control Officer's comments on this and noted that by moving the building, it would effect the "victims" - so he already regards the neighbors as victims. There were no concerns when the dogs are being keep in the basement but his fear is that by moving the dogs out to a building - the noise will carry down the valley to his and other properties. He has a problem with business coming into residential property - business should be in commercial zoned property.

Debbie Benz, 55580 Shamrock Way, Scappoose: She submitted a copy of the map from the original application in 2008, along with a petition with updated signatures. It shows the proximity of Scott Acres subdivision in relation to the Viken property. She read a prepared statement and entered it into the record. This application should be denied because it is too close to residential properties. She surveyed the 96 properties in the Scott Acres subdivision for those who are or are not in favor of this. There were 76 opposed and 13 in favor, the rest were not home. She would request that this application be denied. Maps and testimony entered and marked Exhibit "3".

Ms. Benz then asked Commissioner Heimuller if his daughter ever worked for the Vikens. He clarified that she has never worked for the Vikens and is not sure where that rumor started.

Shawn Larson, 33913 Shamrock Lane, Scappoose: Mary and Shawn Larson appealed the Planning Commission approval of this application. She read a prepared statement into the record explaining her arguments and that she believes the neighbors concerns expressed during the Planning Commission hearing were ignored. In 2008, the Vikens requested permission to build a 4,600 sf building to house some 30 dogs and that application was turned down by the Commissioners. In 2010, they requested to house 12 dogs in their basement, for which permission was granted. Now they are returning to ask permission to build a 4,000 sf building to house 15 dogs. If for only 15 dogs, why the expense for a building that could easily house double that amount, unless there are future plans to expand. If approved, this will set a precedence for allowing future dog kennels on 5 acre parcels of land. She also questions the impact on home values in the future.

Jim Horn, 55550 Shamrock Way, Scappoose: He read a prepared statement into the record in support of his neighbors on Shamrock Way, which he also submitted into the Planning Commission record. He does not feel that this kennel is a good fit for the area in question. He wanted to clarify that there have been no complaints with the existing facility because it's is working (it's in the basement of their home). However, this application is a request to expand the operation outside and that is cause for concerns.

Shelly Harley, 55560 Shamrock Lane, Scappoose: She has lived in the area for 16 years. This development has been around for 40 years and, even with it's proximity to the highway, it is still quite obviously as residential area.

Leonard Larson, 33913 Shamrock Lane, Scappoose: He appreciates the Board's attention to the speakers here today. He did not witness that at the Planning Commission. As Shelly just stated, it's the fear of the unknown at this point. They have no problem with the Viken's, they are very nice people but he has to ask, what has changed since the first application that was denied.

Charles Renwick, 33892 Shamrock Lane, Scappoose: He agrees with the other neighbors. There are wild game in the area and not sure if the dogs would effect that or not, but would like to keep it as it is. They already have issues with the trains and whistles. If the dogs start going off it may reduce the value of his home. He's been there 24 years and it's a quite neighborhood. Once this is approved, there will be more to come.

Jeremy Johnson, 33872 Shamrock Lane, Scappoose: His only concern is that he has a neighbor right next door that is basically running a kennel right now with no license. There is no peace with it. He has called to complain but nothing happens because there is no one to deal with. There may be laws to protect the people but if no one responds, it's very frustrating.

Commissioner Hyde noted for the record, a person could have up to 9 dogs of their own without a kennel license, but the dogs have to be their own. When you do the math, there could be over 300 dogs in this neighborhood with no kennel license.

REBUTTAL:

Sandra Wilson, 35465 Fir Way Lane, St. Helens: She supports the Viken's application. Even though it's in a rural setting, they should be allowed to use their property for this type of use. What if someone wanted to have a pig farm on their property - would they have to go through this same process. She supports this.

Alta Lynch responded to comments referencing a tin building. She hasn't read anywhere that this is going to be a tin building. She also heard that a 4000 sf building would obstruct someones view, yet a person could put up a 4,000 sf home, so that shouldn't be an issue. She heard someone say "we were here first" and she is so tired of hearing that. Mr. Benz said he had safety concerns because some little old lady couldn't turn left - then that lady probably couldn't turn left anywhere be Scappoose and Astoria. That is not much of an argument. She has to wonder how many dogs are in the Shamrock Lane subdivision. Alta has visited both of Liana's facilities and they are clean and the dogs are well behaved. She is in support of this application.

Liana Viken responded to comments made by the opposition. None of her immediate neighbors are here today to complain about her business. She has always complied with all conditions and she will continue to. She submitted an arial photo as Exhibit "4".

Todd Viken noted on the north and west fence line there will be 15-20 feet high foliage to obstruct noise and the view.

Theresa Holt responded to the concern with a new building versus the basement and the noise factor. The Viken's Beaverton facility has the same scenario and it works. Every time she has been out there, the dogs are not barking.

With no further testimony coming before the Board, the hearing was closed for deliberation. Commissioner Fisher asked for clarification that a conditional use is specific to the applicant and not the land. That was confirmed by staff. Commissioner Hyde has some questions and would ask that deliberations be carried over. With that, Commissioner Heimuller moved and Commissioner Fisher seconded to carry over deliberations to Wednesday, June 18, 2014 at or after 10:00 am. The motion carried unanimously.

CONSENT AGENDA:

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

- (A) Ratify the Select to Pay for week of 6/2/14.
- (B) Appoint Eddia Cook to the Scappoose-Spitzenberg CPAC, representing the Dikelands E. Scappoose area and Joel Haugen to the Scappoose Spitzenberg CPAC, representing the City of Scappoose area.
- (C) Reappoint Anthony Hyde, Jeff Dickerson, Steve Atchison, Judge Ted Grove, Jodi Gartman, Janet Evan, Terry Moss, Yvette Shepherd, Stacia Tyacke, Linda Hald, Cathy Baird, Mike Elsasser, Judge Jean Martwick and Paul Aubry to the Local Public Safety Coordinating Council for a 3 year term.
- (D) Appoint Jeanine Dilley and alternate Steve Watson (911 District); Leahnette Rivers and alternate John Walsh (South County); Dan Brown (Mid County); Doug Paxton and alternate Doug Lents (Industry); Patrick Trapp and alternate Paula Miranda (Port of St. Helens); and Cynthia Jaeger and alternate Lloyd Hartley (Schools) to the Homeland Security Emergency Management Commission for a 1 year term.
- (E) Approve furlough letters to be sent to all effected employees for FY 2014-2015.

- (F) Order No. 17-2014, "In the Matter of Declaring a Financial Exigency and Establishing a Furlough Schedule for Fiscal Year 2014-2015".
- (G) Resolution No. 20-2014, "In the Matter of Adopting the 2014-2015 Columbia County Department of Community Justice - Adult Division Plan".

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (H) Amendment #7 to IGA #720-07 with Portland Community College and authorize the Chair to sign.
- (I) Public Road Event Permit and Indemnity Agreement with the Oregon Bicycle Racing Association for the Rainier Road Race on June 22, 2014.
- (J) Amendment #1 to Intergovernmental Contract for Professional Services #9880 with the Oregon Department of Education and Authorize the Chair to sign.

The motion carried unanimously.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde was in Tillamook on Monday for the North Coast Regional meeting with community collaborators with the Governor to discuss the Regional Workforce Investment Boards Coordinated Care Organizations.

COMMISSIONER FISHER COMMENTS:

Commissioner Fisher gave a reminder that school is getting out soon and kids will be out and about, so please be careful and watch out for our kids.

COMMISSIONER HEIMULLER COMMENTS:

Commissioner Heimuller attended the Department of Veterans Affairs conference last week. It was very well attended and informative.

He and Commissioner Fisher attended the Sacagawega Health Care auction last Friday night. These type of fundraisers is what keeps this program running.

He will be in Salem on Friday to attend the WWII Memorial dedication. Columbia County contributed to this memorial in honor of those who served.

There was no Executive Session held.

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

Dated at St. Helens, Oregon this 4th day of June, 2014.

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: _____

Anthony Hyde, Chair

By: _____

Henry Heimuller, Commissioner

By: _____

Jan Greenhalgh

Board Office Administrator

By: _____

Earl Fisher, Commissioner