

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

July 14, 2010

The Columbia County Board of Commissioners met in scheduled session with Commissioner Anthony Hyde, Commissioner Earl Fisher and Commissioner Rita Bernhard, together with Robin McIntyre, Assistant County Counsel and Jan Greenhalgh, Board Secretary.

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

CONSENT AGENDA:

With no changes/additions, Commissioner Fisher moved and Commissioner Bernhard seconded to approve the consent agenda as follows:

- (A) Ratify the Select to Pay for 7/13/10.
- (B) Order No. 40-2010, (Setting Auction Date) "In the Matter of Leasing County-Owned Oil and Gas Rights for Exploration and Production [August 5, 2010 Auction Date]".
- (C) Order No. 41-2010, "In the Matter of Authorizing Filing Civil Penalties Against Dennis Hart in the Columbia County Lien Records for Failure to Pay".
- (D) Approval of the 2010 State Homeland Security Grant Application from Columbia County and authorize the Chair to sign.
- (E) Authorize out of state travel for Erin O'Connell to attend the Environmental Health Emergency Responses Training Course in Anniston, Alabama.
- (F) Approve a hardship waiver for Ginger Lee on a Home Occupation/ Conditional Use Permit application, reducing the fee to \$266.50.
- (G) Authorize Dave Hill to fill (2) Road Maintenance Worker position and (1) Lube Service Worker position.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (H) Rescind approval of Amendment #1 with Metro West Ambulance.
- (I) GIS Data License Agreement with Aerials Express of WA for Trinity Land Company, LLC.
- (J) Approve Hold Harmless Agreement with Echoing Evergreen Booster Camp for their use of Camp Wilkerson on August 1-6, 2010.

(K) Amendment #1 to Real Property Lease with Smith and Hendryx Partnership.

The motion carried unanimously.

VISITOR COMMENTS:

Richard Melton, Columbia River Hwy, Scappoose: For the last year he has been trying to find out why his constitutional rights have been taken away. The county has had his political signs, lights, etc. removed. There were 8 wrecks in two nights after the lights were removed. He has contacted ODOT and they are now stepping in to handle this.

MINUTES:

Commissioner Fisher moved and Commissioner Bernhard seconded to approve the minutes of the July 7, 2010 Board meeting and July 7, 2010 Staff meeting. The motion carried unanimously.

HEARING: AMEND CCZO FOR DOG KENNELS:

This is the time set for the public hearing, "In the Matter of Amending the Columbia County Zoning Ordinance to Specify Use Restrictions and Development Standards for Dog Kennels".

Robin gave a brief explanation on the purpose for this hearing and the procedures to be followed. The Board declared no conflicts of interest. Robin then read the pre-hearing statement into the record as required by ORS 197.763. She entered County Counsel's hearing file into the record, marked **Exhibit "1"** and listed all contents. The following two items also included in the record is a letter from Scott Groves, Phil Werner, Michael & Bonnie Chappell and Jim & Joanne Downey, dated 6/28/10 as **Exhibit "2"**; and an email from George & Debbie Benz, dated 6/23/10, marked **Exhibit "3"**.

Todd Dugdale, LDS Director, gave a brief summary on the purpose of this hearing. Columbia County's Zoning Ordinance does not address the siting of dog kennels, specifically, where, how and by what standards kennels should be allowed throughout the County. Currently, kennels are permitted through the Conditional Use Home Occupation Permit process in accordance with criteria set forth in Section 1507 of the CCZO. Allowing kennels as home occupations encourages locating kennels in residential areas, with no guidelines or assurances to home owners as to which properties are appropriate for kennels or by what standards kennels should be sited. The siting of kennels near high density residential areas has become a source of controversy in Columbia County over the past several years.

To address the issues surrounding kennels, the Board appointed a Kennel Land Use Task Force to develop a recommendation for new and/or revised kennel land use

standards in October, 2008. In October of 2009, LDS Staff presented the Task Force's recommendations to the Board. After considering issues addressed by the Task Force and staff, the Board directed staff to prepare amendments to the CCZO to identify the zoning districts in which kennels should be allowed, through which land use process and by what standards (siting criteria). This hearing is to consider these amendments to the CCZO.

Erika Owen, Project Planner, gave a power point presentation and summary of the staff report. She referred to a summary table addressing the specific zones in which kennels should or should not be permitted and through which land use review process, i.e. the Resource zones, Rural Development zones and Suburban zone, what the current code allows and the recommendation by the Planning Commission.

The hearing was opened for public testimony.

PROPONENTS:

Rod Nstrom, 56081 Milky Way, Warren: He is not opposed to the amendments but has some questions. These amendments specify a minimum number of animals, but not a maximum or the breed of dogs. If you have a few small dogs, he would think that the noise and odors would be small. However, if you have 100 large dogs, that's a lot of noise and smell. He would not want to be within 100 feet of that.

As for the 100 foot setback, he currently lives 1/4 mile from a person with 4 dogs and has to listen to them most of the day. He feels that the 100 ft setback is not enough. If the specification doesn't allow for kennels in the RR2 or RR5 but it allows for grandfathering - is there something that says that once the property sells that the kennel cannot continue. It should not go with the land.

If these kennels are a commercial operations there should be something about inspections and that the operations is in compliance. Lastly, to be quiet during the hours of 9 pm to 6 am is great for those who work during the day, but not for those who work at night and try to sleep during the day.

Richard Melton, 55141 Columbia River Hwy: He is in support of these kennels because they bring in jobs. As for the barking, there are noise collars that would address that problem. As far as smell, if these kennels are inspected on a regular basis, any odor issues would be addressed at the time of inspection. There is more noise and pollutants coming from the traffic on the highway than from any kennel.

Erica Hall, 52563 North Road, Scappoose: Over the course of the process leading up to this hearing, the Commissioner's have become well aware of how difficult it is for a citizen to find relief when faced with a nuisance kennel problem. Lack of rules, regulations, and enforcement, forces a citizen trying to live a

peaceful life onto a seemingly endless roller coaster ride in an attempt to seek solutions. She asked that the Board please approve these amendments to the CCZO along with the Planning Commissions recommendations. Kennels only belong where their various smells, noises and sites do not negatively effect those trying to live healthy peaceful lives in homes located in residential zones.

Scott Groves, 57218 Old Mill Road, Scappoose: He first wanted to thank the Board, Todd Dugdale and Erika Owens for addressing this very important issue. There are two issues he wanted to speak to. The first is the prohibition of kennels in residential zones. As he mentioned in his written submission as well as personal experience, the County is somewhat ill-equipped to effectively address nuisance issues. Kennels pose a substantial nuisance risk within a residential zone, he supports the proposed restriction. His second concern is the proposed siting of kennels as home occupations in forest resource zones. It is his understanding that DLCD feels this is inappropriate and he would question the county's decision to challenge the State on this issue.

Mike Chappell, 57221 Old Mill Road, Scappoose: He has lived next to a kennel for a long time and it's not pretty. He totally agrees with Mr. Groves comments. He has some concerns with allowing kennels in permanent forest zones since OAR 660 prohibits such a thing. He would suggest that the Board look at these amendments very close before making a decision. If the County allows these home occupations in the forest resource zone, they could be setting themselves up for lawsuits. He understands we need some type of laws on the kennels and, if this is the best we get, he'll accept it.

OPPONENTS:

Alta Lynch, 32961 Scappoose-Vernonia Hwy, Scappoose: Alta read and submitted her written testimony into the record, marked **Exhibit "4"**. She is opposed to the recommended amendments in their current form.

Barbara Aulbach, 27428 Gibb Road, Scappoose: Barbara read and submitted her written testimony into the record, marked **Exhibit "5"**. She believes the proposed ordinance is extremely flawed and the Board should not approve it.

Terry Packard, PO Box 1300, Scappoose: Terry read and submitted her written testimony into the record, marked **Exhibit "6"**. She raises Shetland Sheepdogs and recently had to let her kennel license go because she is on rented property and therefore not allowed. She asked the Board to consider "fairness" when making their decision.

Nan Mitsuanaga, 32991 Rodney Street, Warren: Nan read and submitted her written testimony into the record, marked **Exhibit "7"**. She would encourage the Board to consider the good of the entire county and not their personal view.

Liana Viken, 55510 Columbia River Hwy, Warren: She asked that the Board put some real thought into this. She has applied several times for a kennel and has been denied. She is a very successful and responsible business owner. To not allow her to have a kennel, she will lose her property. The only reason she purchased the property was because she was told by the County that she would be allowed a kennel license. The county should give people the chance and be judged case by case. She lives on Hwy 30 and listens to trains, airplanes, gun shots, motorcycles, etc. which is more invasive than a kennel.

Lynn Tweedt-Rabinowe, 34201 Big Meadow Lane, Deer Island: Lynn read and submitted her written testimony into the record, marked **Exhibit "8"**. She is opposed to these amendments. Kennel-type activities can and do exist in rural residential areas and the vast majority of these dog-related activities are perfectly compatible with their surroundings. In a time when the county should be encouraging small businesses, our county is taking a negative view and is, in effect, destroying a cottage industry.

Dan Neil, 27545 Clark Road, Deer Island: After reading this, it makes no sense. Is he living in California or what? Where are people going to take their dogs when they have to leave town. That's what kennels are for. The County already has a noise ordinance and one dog can create just as much of a problem as 20 dogs. He has raised and shown labs for the last 20 years. He has 5 champion dogs between the ages of 10 and 15 years old. With the 10 dog limit, he can't do that and compete because they go through more dogs to get good dogs that can compete in the ring. So what does he do with those dogs that have earned the right to live and die of natural causes on his property. He will have to have them put down. He would suggest the ordinance go with the State limit of 50 dogs. He also doesn't understand why these kennels can't have overnight boarding. As for the license going with the property - if he has a successful business and he should be able to sell it or pass it on to family. He lives on 5 acres to pursue his hobby, but with the new rules, he could not do that anymore.

Christa Thompson, 54730 Mock Lane, Scappoose: She owns and operates a small kennel of less than 9 dogs. She opted to get her conditional use permit to get it grandfathered, at a cost of over \$1,066. This was a huge burden on her family because they have been out of work for almost 3 years. These dogs now support

their family. She has about 14 neighbors that live within 200 feet of her property line. Not one of them had anything bad to say about her kennel, in fact, the majority didn't even know they had a dog, let alone a kennel. Many of the kennels in this county are very responsible. There are only 2 that are not responsible, so why should the county punish all kennels for the mis-doings of two. She was on the kennel task force and the proposal now before the Board is not at all what the committee voted and approved.

Mike Langford, 32991 Rodney Street, Warren: What everyone has said here is true. He was on the task force and felt the final recommendation was something everyone could live with. He doesn't see all of the recommendations in this current proposal. He believes a kennel should be based on the location of the site, not just specific to certain zones, however, he agrees that kennels are not always appropriate in all areas.

Nan Mitsuanaga added some comments to her previous testimony. New boarding kennels are becoming more and more common. It allows people a safe place to take their dogs when going out of town. Please allow this to happen in Columbia County.

REBUTTAL:

Mike Chappell, 57221 Old Mill Road, Scappoose: He appreciates what the Board is doing here. Contrary to all the testimony today from the kennels owners, State law is very specific about no kennels in the permanent forest zones. The Board should be commended for approving state law and getting in line with the rest of State and not being swayed. He has heard testimony about the kennels being honorable, but he doesn't see anything honorable about the 2 kennels he lives next to. Skip all the comments and go with State law.

With no further testimony coming before the Board, the hearing was closed for oral testimony. After a brief discussion, Commissioner Bernhard moved and Commissioner Fisher seconded to leave the record open for written testimony to July 28, 2010 and deliberations to be held on August 11, 2010. The motion carried unanimously.

COMMISSIONER HYDE COMMENTS:

No comments.

COMMISSIONER FISHER COMMENTS:

No comments.

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COMMISSIONER BERNHARD COMMENTS:

No comments.

There was no Executive Session held.

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

Dated at St. Helens, Oregon this 14th day of July, 2010.

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: _____

Earl Fisher, Commissioner

Recording Secretary

By: _____

Rita Bernhard, Commissioner

By: _____
Jan Greenhalgh

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