

COLUMBIA COUNTY BOARD OF COMMISSIONERS  
BOARD MEETING

MINUTES

October 13, 2010

The Columbia County Board of Commissioners met in scheduled session with Commissioner Anthony Hyde, Commissioner Earl Fisher and Commissioner Rita Bernhard, together with Sarah Hanson, County Counsel, Robin McIntyre, Assistant County Counsel and Jan Greenhalgh, Board Secretary. Commissioner Hyde was not present.

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

**MINUTES:**

Commissioner Bernhard moved and Commissioner Fisher seconded to approve the minutes of the September 28, 2010 Work Session; October 6, 2010 Board meeting; and October 6, 2010 Staff meeting. The motion carried unanimously.

**VISITOR COMMENTS:**

*Scott Groves, Old Mill Road, Scappoose:* Continuing complaint against Samantha Miller's illegal kennel operation.

*Mike Chappell, Old Mill Road, Scappoose:* Continuing complaint against Samantha Miller's illegal kennel operation.

*Lisa Smith, Planner for the City of Columbia City,* reminded the Board that the City had submitted a letter on application for a major map amendment to expand the Urban Growth Boundary (TA 10-03) requesting that the Board's Ordinance be adopted with an emergency clause.

**HEARING: DISSOLVING THE SCAPPOOSE PARKS & RECREATION DISTRICT:**

This is the time set for the public hearing, "In the Matter of Dissolving the Scappoose Parks and Recreation District Without Election".

Sarah gave a brief review of the purpose of this hearing and the process to be followed.

There hearing was opened for public testimony.

*Steve Atchison,* representing the District, stated that there were a few District Board members present available for comment, but they would stand on the materials

presented.

*Jon Hankin*, City of Scappoose, asked that the Board hold off on any decision until the City can meet with the District in early November.

With no further testimony coming before the Board, the hearing was closed. The Board carried over deliberations to October 20, 2010, at or after 10:00 a.m., to consider the request by the City of Scappoose.

#### HEARING: AMEND CCZO & COMP PLAN FOR COMPLIANCE WITH STATE LAW:

This is the time set for the public hearing, "In the Matter of Amending the Columbia County Zoning Ordinance and Comprehensive Plan to Bring Columbia County Forest and Agriculture Zones into Compliance with State Law".

Robin reviewed the hearing procedure and read the pre-hearing statement into the record as required by ORS 197.763.

Glen Higgins, Chief Planner, gave the staff report. In 1993, the State of Oregon made substantial changes to regulations governing land uses in farm and forest areas, which have not been adopted by the County. This disconnect between the State and County resource land rules has caused much confusion and unnecessary time and costs for the county and affected property owners. The proposed amendments would eliminate those more restrictive provisions and include all necessary changes to bring our Plan and Ordinances in compliance with State law.

The Planning Commission held a hearing on the proposed amendments and voted unanimously to recommend approval of the amendments as presented based on findings in the staff report. Planning Staff concurs.

The hearing was opened for public testimony.

#### OPPOSITION:

*Scott Groves, Old Mill Road, Scappoose:* He stated that kennels are not allowed on forest lands and by allowing them as a home occupation is "skirting" the laws/regulations and conflicts with the State's opinion. He believes that only greyhound kennels are allowed in farm/forest lands. He is opposed to the change from the process for reviewing dwellings in farm/forest zones from public hearing process to allow administrative review for dwellings in farm/forest zones. He doesn't trust administrative process when county planning staff is in conflict with state law.

*Mike Chappell, Old Mill Road, Scappoose:* He agrees with the comments made by Scott Groves. He opposes kennels in forest zones, supports the protections in the amendments and is opposed to administrative review of dwellings in the

farm/forest lands.

Response by staff. Glen clarified that the law used to allow greyhound kennels, but that has since been amended to allow kennels in general.

Todd Dugdale, LDS Director, clarified that staff is recommending a change to administrative review because the current code has broad discretionary standards - the "necessary and accessory" requirement for dwellings, but the proposed code has standards that are clear and objective (the template test). With clear and objective standards, administrative review is appropriate.

Deborah Jacob, Planner II, clarified that kennels in the PF zones will only be allowed through a public hearing process, which is mandatory for that specific use.

Todd further stated that county staff disagrees with the State staff on whether kennels are allowed in forest zones as home occupations. State law allows for home occupations in forest zones. County staff agrees with the State staff that kennels are notw allowed in forest zones as primary uses. With no further testimony, the hearing was closed. The Board carried over deliberations to October 20, 2010, at or after 10:00 a.m.

CONSENT AGENDA:

Commissioner Fisher Hyde read the consent agenda in full. With the removal of Item (B), Commissioner Bernhard Fisher moved and Commissioner Bernhard Fisher seconded to approve the consent agenda as follows:

- (A) Ratify the Select-to-Pay for 10/12/10.
- (B) Order No. 65-2010, "In the Matter of Adopting the Columbia County Drug and Alcohol Policy for Mass Transit Safety-Sensitive Functions".  
*(PULLED AND HELD OVER)*
- ( C) Order No. 66-2010, "In the Matter of the Application of Todd and Liana Viken for a Conditional Use Permit for a Type II Home Occupation to Operate a Dog Boarding Kennel in a Rural Residential (RR-5) Zone".
- (D) Approve Personnel Action for Jennifer Cuellar-Smith.

The motion carried unanimously.

ORDINANCE #2010-9 - COLUMBIA CITY UGB EXPANSION:

The Board voted to carry this matter over to their regular meeting on October 20, 2010 at or after 10 a.m. RobinLisa Smith, Planner for the City of Columbia City, wanted to remind the Board that the City had submitted a letter for the initial hearing requesting that this Ordinance be adopted with an emergency clause.

COMMISSIONER HYDE COMMENTS:

Not present.

COMMISSIONER FISHER COMMENTS:

No comment.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard reported on the NOHA Board meeting, the Fair Board meeting and the AOC Human Services meeting.

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 13<sup>th</sup> day of October, 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: \_\_\_\_\_ Not Present \_\_\_\_\_

\_\_\_\_\_  
Anthony Hyde, Chair

*BOC Minutes*

*10/13/10*

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By: \_\_\_\_\_

\_\_\_\_\_  
Earl Fisher, Commissioner

Recording Secretary

By: \_\_\_\_\_

Rita Bernhard, Commissioner

By: \_\_\_\_\_

Jan Greenhalgh