

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Appeal of the Application)
by Starla Gebbie for a Type 2 Home Occupation)
Permit to Operate a Hair Salon from her Residence) ORDER NO. 80-2009
in the Rural Residential (RR-5) Zone)

WHEREAS, on July 21, 2009, Starla Gebbie (“Applicant”), submitted an Application, Application No. CU 10-05, for a Type 2 Home Occupation Permit to operate a hair salon from her residence in the Rural Residential (RR-5) Zoning District (“Application”); and

WHEREAS, the Columbia County Planning Commission held a hearing on the matter at its regularly scheduled September 14, 2009 meeting and voted to approve the Application with conditions; and

WHEREAS, Planning Commission Final Order No. CU 10-05 was signed on September 17, 2009 and mailed to the Applicant and interested parties; and

WHEREAS, on September 25, 2009, an appeal was filed with the Columbia County Board of Commissioners of Planning Commission Final Order No. CU 10-05; and

WHEREAS, on November 24, 2009, the Board of County Commissioners held a de novo hearing on the Application, heard testimony and received evidence into the record, and deliberated on the Application; and

WHEREAS, after deliberations the Board of County Commissioners voted to tentatively approve Application No. CU 10-05 with the Conditions of Approval contained in the November 17, 2009 Staff Report and to deny the appeal of the Planning Commission’s decision on the Application;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Board of County Commissioners adopts the Findings of Fact and Conclusions of Law in the Staff Report to the Board of County Commissioners dated November 17, 2009, which is attached hereto as Exhibit 1 and is incorporated herein by this reference.
2. In the event of any conflict between this Final Order and Exhibit 1, this Order shall control.

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3. Based on the foregoing and the whole record in this matter, as well as the adopted Findings of Fact and Conclusions of Law included in Staff Report to the Board of County Commissioners dated November 17, 2009, the Application for a Type 2 Home Occupation to operate a hair salon, Application No. CU 10-05, is hereby APPROVED subject to the following ten (10) conditions:

- 1) This Conditional Use Permit shall become void unless the proposal has commenced in conformance with all conditions and restrictions established herein within the two-year validity period. Extensions of time may be granted by the Planning Director if requested in writing with the appropriate fee before the expiration date, given the applicant is not responsible for failure to commence with the proposal.
- 2) The applicant shall submit proof of a Road Access Permit for the subject property to the County Road Department or a Road Access Permit shall be obtained from the County Road Department and a copy shall be filed with LDS.
- 3) The County Sanitarian shall authorize and approve the change in use of the existing septic system.
- 4) The County Building Official shall authorize and approve any additional building, plumbing, and/or electrical permits necessary prior to operating a hair salon from the existing residence.
- 5) Before any sign is established for this Home Occupation business, approval and all necessary permits shall be obtained from the County. All applicable sign standards in effect at the time of County review shall apply.
- 6) The Home Occupation business shall be operated by a resident or employee of a resident of the property on which the business is located.
- 7) The Home Occupation business shall employ a total of no more than two people (including the Applicant), regardless of whether working in a full-time or part-time capacity.
- 8) This Conditional Use Permit shall be applicable to this proposal only and shall not run with the land.
- 9) Any departure from the conditions of approval and restrictions established herein shall subject this Conditional Use Permit to suspension or revocation in accordance with the procedures of the Columbia County Zoning Ordinance.

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- 10) Prior to final occupancy, the applicant shall sign and mark at least one ADA parking space and one standard parking space in order to provide sufficient onsite parking for potential customers.

Dated this 2nd day of December, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Rita M. Bernhard
Rita Bernhard, Chair

By: _____
Anthony Hyde, Commissioner

Approved as to form

By: [Signature]
Office of County Counsel

By: [Signature]
Earl Fisher, Commissioner

BOARD COMMUNICATION

FROM THE LAND DEVELOPMENT SERVICES DEPARTMENT

MEETING DATE: November 24, 2009

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Todd Dugdale, Director of Land Development Services *TD*

SUBJECT: PUBLIC HEARING

APPEAL OF PLANNING COMMISSION APPROVAL OF CU 10-05

Home Occupation/Conditional Use Permit - Hair Salon in Single Family Residence

54235 Freeman Road, Scappoose/Tax Parcel No. 4131-040-01101

Starla Gebbie, Applicant

Julie Jackstadt, Appellant

CLATSOP COUNTY

NOV 17 2009

DATE: November 17, 2009

COUNTY COUNSEL

SUMMARY:

Julie Jackstadt has appealed the Planning Commission's conditional approval of CU 10-05 which allowed Starla Gebbie who lives at 54235 Freeman Road to operate a proposed Hair Salon from her home. The appellant is primarily concerned with potential increases in vehicular traffic the proposed Hair Salon would generate for Freeman Road that serves a 40-space manufactured home park at the end of this county road further South of the subject property.

The applicant for CU 10-05, Starla Gebbie proposes to operate a Hair Salon on her approximate 0.67 acre parcel zoned RR-5 (Rural Residential-5 acre) which accesses Freeman Road via an existing 12' wide paved circular driveway. Ms. Gebbie wishes to remodel and convert her 10' by 10' existing laundry room into 100 square-foot Hair Salon that will have one beauty chair. There is sufficient off-street parking on the 0.67 acre property to provide one ADA and two standard parking spaces on the existing paved driveway surface area. This driveway is improved to standards and specifications that are sufficient for emergency vehicles to safely enter and exit the subject property.

The Zoning Ordinance authorizes home occupations as conditionally permitted uses in the RR-5 zone provided the proposal complies with applicable provisions of the Zoning Ordinance. In this case the submitted application for CU 10-05 demonstrated the proposed home occupation will be consistent with the required provisions of the following Sections of the Zoning Ordinance: the Airport Land Field Overlay Zone, Signs, Off-Street Parking & Loading, Conditional Uses, and Type 2 Home Occupations. The Planning Commission **Approved** the applicant's proposed Type 2 Home Occupation at their public hearing on September 14, 2009 based on the facts, findings, and comments that were included in the September 3, 2009 Staff Report, all of which demonstrated the proposal was consistent the Zoning Ordinance.

After this decision was appealed to the Board, the County Transportation Planner then submitted additional documentation to LDS stating that Freeman Road currently averaged 540 daily vehicular trips, and the proposed Hair Salon would result in a maximum of 16 more vehicular trips per day. This would result in a 2.96% increase in the average daily vehicular trips for Freeman Road which is not significant enough to merit a traffic study analysis that would, in tern, ascertain whether or not Freeman Road needs to be improved prior to the county authorizing Ms. Gebbie's conversion of her laundry room to a single-chair hair salon.

EXHIBIT 1

Finally, the approval was subject to nine (9) conditions of approval which the applicant must comply with prior to the issuance of building permits for the proposed home occupation. One condition related to the marking and signing of ADA and standard parking spaces was inadvertently omitted from the original list of conditions, but it has been added as Condition No. 10 in the November 17, 2009 Board's Staff Report. These ten conditions will apply for as long as the current property owner/applicant operates her proposed home occupation.

ATTACHMENTS:

1. Board of County Commissioners Staff Report for CU 10-05 dated 11-17-09 with 7 Attachments
2. Planning Commission Final Order CU 10-05 (Attachment # 7)

RECOMMENDATION:

Planning Commission:

The Planning Commission approved the proposed CU 10-05 with with nine (9) conditions of approval (Attachment # 7).

Staff :

Staff recommends that CU 10-05 be approved based on the findings, conclusions, restrictions, and subject to the ten (10) conditions of approval contained in the Board's Staff Report dated November 17, 2009.

**COLUMBIA COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

November 17, 2009

Conditional Use Permit - Type II Home Occupation
Appeal of Planning Commission Decision

HEARING DATE: November 24, 2009

FILE NUMBER: CU 10-05

APPLICANT/OWNER: Starla Gebbie, 54235 Freeman Road, Scappoose, OR 97056

SITE LOCATION: 54235 Freeman Road; Scappoose, OR 97056

TAX ACCOUNT NO: 4131-040-01101

ZONING: Rural Residential (RR-5)

SITE SIZE: 0.67 acres

REQUEST: Conditional Use Permit for a Type II-Home Occupation to operate a hair salon from her single family residence.

APPLICABLE REVIEW CRITERIA:

<u>Columbia County Zoning Ordinance</u>		<u>Page</u>
Section 600	Rural Residential (RR-5)	4
Section 1150	Airport Landing Field Overlay	4
Section 1300	Signs	5
Section 1400	Off-Street Parking and Loading	6
Section 1503	Conditional Uses	8
Section 1507	Home Occupations	11
Conclusion, Recommendation & Conditions		13

APPLICATION COMPLETE: July 22, 2009 **150-DAY DEADLINE:** Dec. 19, 2009

BACKGROUND & SUMMARY:

On September 14, 2009, the Planning Commission held a public hearing and heard testimony from the applicant and interested parties and considered written materials including the

September 3, 2009 Staff Report for the applicant's Conditional Use Permit for a Type II Home Occupation to operate a Hair Salon from her residence at 54235 Freeman Road. The applicant proposes the conversion, after obtaining approval by the County Planning and Building Officials and County Sanitarian, of her existing 10' by 10' laundry room into a Hair Salon. All appointments would be scheduled for approximate 1 hour increments between 9 am to 5 pm Monday through Friday with occasional Saturday appointments. The subject property is approximately 0.67 acres and is developed with a single-family residence, a shop, a carport, a garage, a well and a septic system. The property accesses Freeman Road via a circular driveway that provides a safe and appropriate ingress and egress from this county roadway. The applicant will be required to provide adequate off-street parking for customers according to Section 1400 of the Zoning Ordinance which can be accomplished on the property's existing paved area adjacent to the circular driveway accessing Freeman Road.

The site is relatively flat with a gentle slope and contains no documented wetlands or floodplain according to the Northwest Wetlands Inventory Map # 14 of St. Helens and the FEMA Firm Panel # 41009CO465C. The site is located on Freeman Road, a paved County roadway off N. Honeyman Road. Water is supplied to the site by a private well and sewage disposal is handled by a septic system. Surrounding properties to the North, South and East are developed with rural residential uses and zoned accordingly. The approximate 371 acre property 500' to the West however, is zoned for Surface Mining and owned by Lone Star Northwest.

At the September 14, 2009 public hearing LDS submitted a signed letter into the record dated September 2, 2009 (Attachment 3) received from seven adjacent property owners along Freeman Road requesting the Planning Commission deny the submitted application because of potential increases in traffic along Freeman Road and concerns about the disposing of chemicals into the onsite septic system. The applicant informed the Planning Commission that the chemicals in current hair care products are safe for septic systems. LDS staff also confirmed that the Sanitarian had no concerns about the proposed change in the septic system nor did the County Roadmaster have any concerns with the potential increase in traffic for Freeman Road (See Attachment 6). When the Planning Commission asked the applicant to estimate weekly vehicular traffic, Ms. Gebbie responded she expects to have 3 - 4 appointments per day and that she would be willing to limit the number of employees to two, so she would be able to take vacations. Section 1507.2 of the Columbia County Zoning Ordinance allows Type 2 home occupations to employ a maximum of five employees.

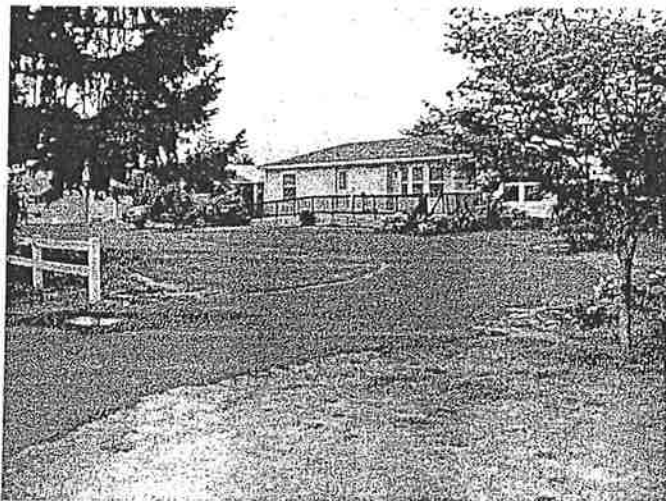
At this hearing LDS staff also informed the Planning Commission that on September 11, 2009 the County Code Enforcement Officer conducted a site visit to investigate a phoned-in complaint stating the applicant was already operating her unauthorized home occupation. This Code Enforcement Officer's consequent site visit on 9/11/09 (Attachment 3) confirmed however, that no signs were posted nor were any customers on site, indicating the applicant had not begun to operate her proposed hair salon.

After due consideration of all presented information, and making one modification to Condition

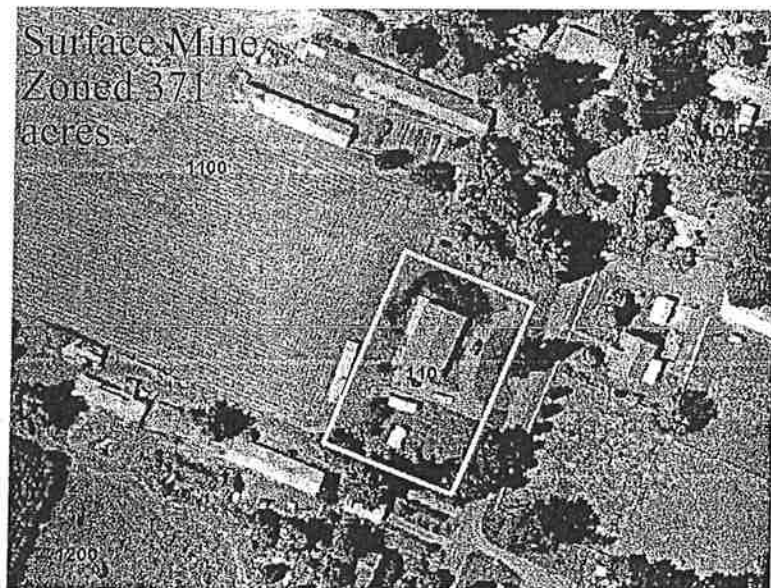
7 limiting the number of employees to two (2), the Columbia County Planning Commission unanimously **approved** this application for CU 10-05 as presented in the Staff Report, dated September 3, 2009 subject to nine conditions of approval.

On September 25, 2009, an Appeal (Attachment 4) was filed by Julie Jackstadt alleging that, "Freeman Road already has a traffic problem with a trailer court at the end of the road and she has concerns about businesses (operating) in this RR-5 Zone." Then on September 28, 2009, LDS received a 1 ½ page unsigned document (Attachment 4) that is apparently from the same seven Residents of Freeman Road who signed the September 2, 2009 letter to the Planning Commission. On October 2, 2009 Lisa and Ted Kelley at 54303 Freeman Road submitted a signed letter to LDS, the Board of Commissioners, and the Planning Commission stating that they no longer objected to the applicant's proposal to operate a Hair Salon provided all Conditions of Approval were satisfied (Attachment 5).

View of Existing residence and driveway



Aerial Map of 0.67 acre subject property at 54235 Freeman Road



REVIEW CRITERIA, FACTS, ANALYSIS & FINDINGS:

Columbia County Zoning Ordinance Section 600 Rural Residential - 5 (RR-5)

603 Conditional Uses:

- .3 Home occupations consistent with ORS 215.448, as provided in Section 1507.

Finding 1: Home occupations are a conditionally permitted use in the RR-5 zone. Staff finds that the proposed Type II Home Occupation may be permitted through approval of a Conditional Use Permit and compliance with the conditions thereof.

Continuing with Columbia County Zoning Ordinance Section 1150 Aircraft Landing Field Overlay:

Section 1150 AIRCRAFT LANDING FIELD OVERLAY

ALF

1151 Purpose: The purpose of this overlay zone is to allow for the establishment and expansion of airport facilities, while preventing air space conflicts in approach and departure zones. This zone includes all areas lying within the approach, departure, horizontal and conical zones of the airport facility as shown on the zoning maps.

1153 Permitted Uses: The following uses are allowed subject to the minimum standards noted for each use:

- .1 Aircraft Landing Field, including accessory uses which are clearly subordinate to the primary use and which comply with all of the provisions of this ordinance.
- .2 Any uses permitted by the underlying zone which do not conflict with the other provisions of this ordinance.

1154 Conditional Uses:

- .1 Any use allowed in the underlying zone that is proposed to be located in an approach or departure zone shall be processed as a conditional use.

1156 Criteria for Approval of Uses Allowed in the Underlying Zones: The Planning Director or his (her) designee shall approve any request that complies with the underlying zone when it can be shown that the proposed use or structure:

- .1 Will not be located within an approach or departure zone.
- .2 Will not exceed the height limitations established in Section 1158.2.

- .3 Will not create electrical interference with navigational signals or radio communications between airport and aircraft.
- .4 Will not create confusion between airport lights and others.
- .5 Will not create glare.
- .6 Will not impair visibility.
- .7 Will not create bird/aircraft conflicts.
- .8 Requests under this section shall be processed in accordance with Section 1601.1, Staff Approval Criteria.

Finding 2: As discussed previously, this proposed Hair Salon is being processed as a Type 2 Home Occupation that is conditionally permitted in the RR-5 Zone, satisfying the provisions in Sections 1153 and 1154 of the Aircraft Landing Zone Overlay. If approved, the applicant will be able to operate her hair salon within the existing residence's current laundry room after the appropriate building, plumbing, and electrical permits have been approved by the County Building Official. The submitted application indicates the residence will not require additional structural modifications or improvements creating glare, lights or height restrictions that are inconsistent with Section 1156. The subject property is located within the conical zone for the Scappoose Airport, but is not within the approach departure zone. The property is approximately 3500 feet to the northwest of the northern runway property. For these reasons, staff finds the submitted request is consistent with the applicable provisions of the Scappoose Aircraft Landing Field Overlay Zone.

Continuing with Columbia County Zoning Ordinance Section 1300 Signs

1306 Signs pertaining to rural home occupations:

- .1 Shall not exceed 6 square feet.
- .2 Only one such sign shall be permitted upon the premises.
- .3 Shall not be artificially illuminated.
- .4 Shall be located at least 5-feet from the front property line.

Finding 3 : The subject property is not located within the City of Scappoose's Urban Growth Boundary (UGB), which separates urban from rural areas. As such, for purposes of this section, the proposal is a rural home occupation. One sign is permitted for rural, Type II Home Occupations.

The application states that one single sign will be needed for the hair salon and that this sign will comply with Section 1300 of the Zoning Ordinance. Before a sign is established for the

proposed Hair Salon, approval for the sign will be required by the County, and the sign will be required to comply with all applicable standards of Columbia County's Zoning Ordinance. Note: not all applicable sign standards are noted herein. This application is not exempt from those provisions. Staff finds that for purposes of this application the criterion can be met with conditions to ensure compliance with Section 1300 Signs.

Continuing with County Zoning Ordinance Section 1400 Off-Street Parking

1401 **General Provisions:** At the time of the erection of a new building, or an addition to an existing building, or any change in the use of an existing building, structure, or land which results in an intensified use by customers, occupants, employees, or other persons, off-street parking and loading shall be provided according to the requirements of this section.

1403 **Use of Space:**

- .1 Required parking spaces shall be available for parking of vehicles of customers, occupants, and employees.

1410 **Size:**

- .1 The standard size of a parking space shall be 9 feet by 18 feet.
- .2 Handicapped parking spaces shall be 12 feet by 18 feet.

1415 **Parking Areas:** All parking areas, excluding one and two-family dwellings, shall meet the following requirements:

- .1 All parking areas of less than 20 parking spaces shall have one handicapped parking space. Parking areas with more than 20 spaces shall provide one handicapped parking space for every 50 standard parking spaces.

1416 **Minimum Required Off-Street Parking Spaces:**

.1 **Residential Uses:**

Single-Family Dwelling: Two spaces for each dwelling unit.

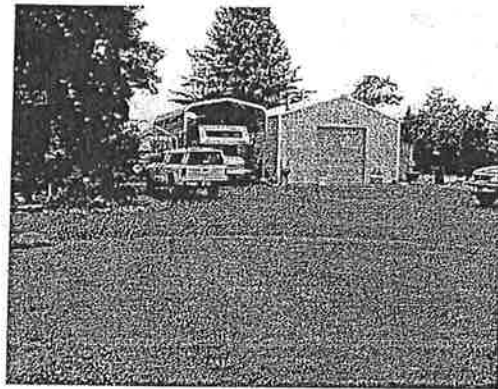
Finding 4: Staff's field visit on August 7, 2009 (demonstrated in the following pictures) confirmed the applicant's statement that the 0.67 acre property has approximately 3,000 square feet of asphalt that can accommodate the home occupations's minimum off-street parking requirements. Staff confirmed the existing 12' circular asphalt driveway serves the proposed off-street parking areas and can adequately accommodate at least four designated parking spaces on the site, which exceeds the minimum two space requirement set forth in Section 1416 of the County's Zoning Ordinance.

The applicant will be the only full-time employee and the majority of customers will have scheduled appointments in one hour increments on Monday through Saturday between 9 am to 5 pm. However, prior to final occupancy of the home occupation, the applicant will be required to mark and sign one handicapped parking space and one standard size parking space for customers. This final occupancy requirement was inadvertently omitted from the original September 3, 2009 Staff Report and will be added as Condition 10 in this Report. Based on the information provided, there is no evidence that this proposal will compromise on-site parking/loading or create parking/loading problems for neighboring properties as the appellant indicated in her appeal of the Planning Commission's decision to approve the proposal.

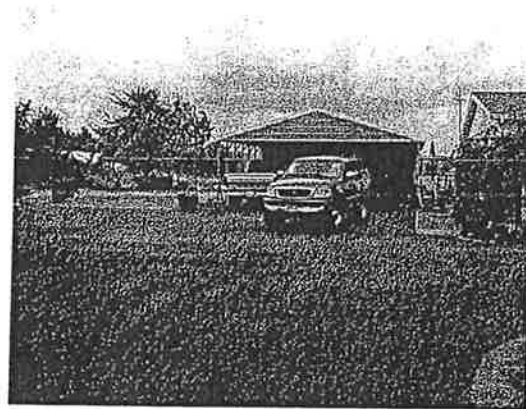
The November 9, 2009 Memo (Attachment 6) from the County Transportation Planner states the proposed Hair Salon would generate a maximum of 16 trips per day or only a 2.96% increase in the current 540 average daily trips for Freeman Road. The Transportation Planner further states, "The traffic generated by the proposed hair salon does not meet (the 500 vehicle trips per day or 20 vehicle trips per peak hour) threshold and is insignificant to the amount of traffic already on the County maintained road." Although the appellant states Freeman Road is very narrow and contains a 16' wide pavement, Staff concludes that the consequent 16 more vehicle trips per day generated by the hair salon is insignificant to the amount of existing traffic (540 average daily trips) on Freeman Road serving 18 parcels according to the County Transportation Planner.

For these reasons, Staff finds that the applicant can appropriately satisfy the applicable requirements of Section 1400 for the number and size of on-site parking spaces for her customers prior to final approval.

Parking Area to the South



Existing Parking Area to the West



Continuing with County Zoning Ordinance Section 1503 Conditional Uses

1503 .4 Suspension or Revocation of a Permit: A Conditional Use Permit may be suspended or revoked by the Commission when any conditions or restrictions imposed are not satisfied.

- A. Conditional Use Permit shall be suspended only after a hearing before the Commission. Written notice of the hearing shall be given to the property owner at least 10 days prior to the hearing.
- B. A suspended permit may be reinstated, if in the judgment of the Commission, the conditions or restrictions imposed in the approval have been satisfied.
- C. A revoked permit may not be reinstated. A new application must be made to the Commission.

Finding 5: Though a Home Occupation may be found to not jeopardize public health, safety and welfare now, it could evolve to do so in the future. Thus, compliance with all conditions and applicable standards is necessary to ensure that the Home Occupation remains harmonious with surrounding properties. Compliance with conditions imposed in granting a Conditional Use Permit and adherence to any approved plan shall be required. Any departure from these conditions of approval and the approved plans constitutes a violation of this ordinance. In such circumstances this Conditional Use Permit will be subject to suspension or revocation by the Planning Commission.

Continuing with County Zoning Ordinance Section 1503 Conditional Uses

1503 .5 Granting a Permit: The Commission may grant a Conditional Use Permit after conducting a public hearing, provided the applicant provides evidence substantiating that all the requirements of this ordinance relative to the proposed use are satisfied and demonstrates the proposed use also satisfies the following criteria:

- A. The use is listed as a Conditional Use in the zone which is currently applied to the site;

Finding 6: Home occupations are listed as a Conditional Use in Section 603.3 of the Zoning Ordinance satisfying this criterion.

- B. The use meets the specific criteria established in the underlying zone;

Finding 7: RR-5 standards generally apply to new development or land divisions. This proposal involves a use that does not involve new structures discussed for Finding 2 related to new uses on properties located within the Scappoose Airport Overlay Zone. Since all structures to be used

for the home occupation currently existing on the property ; standards for new development in the RR-5 zone are not applicable. Staff finds that the use meets the specific criteria established in the underlying zone as per Finding 1.

- C. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features;

Finding 8: The proposal does not indicate any significant structural modifications to the existing residence other than the applicable building, plumbing, and electrical permits for the new use of this residential structure . Existing characteristics of the site (i.e., existing dwelling and accessory structures, driveway, asphalted off-street parking areas, size, shape location, topography, natural features, etc...) make it suitable for the proposed use. The site is relatively flat with only a gentle slope Northeast toward the rear property line. Finally, the existing circular driveway and proposed parking areas are sufficient to accommodate customer trips and can adequately accommodate emergency vehicular ingress and egress from the property. Staff finds that the criterion is met.

- D. The site and proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use;

Finding 9: According to the applicant, the proposed hair salon may increase the number of vehicle trips to and from the property by a maximum of one more vehicle per hour. Currently, Freeman Road carries an estimate of 35 - 40 vehicles per hour between 9 am to 5 pm; one or two more cars per hour will minimally impact Freeman Road's vehicular traffic and residents living in close proximity to the hair salon. As discussed previously in Finding 4 on Page 7, the County Transportation Planner states the proposed 2.96% increase in traffic (16 maximum daily trips) generated by the proposed hair salon does not meet minimum threshold for conducting a traffic study and is insignificant to the amount of 540 average daily trips already on Freeman Road.

Prior to final approval, the County Sanitarian will need to authorize the change in use of the existing septic system (Attachment 6,pg3). The applicant states in her application that she will only use materials that are safe for human skin and hair treatment and that can be safely drained into the existing septic system. All required building, plumbing, and electrical modifications to the existing residence will ensure the residence can safely accommodate the hair salon For these reasons, staff finds the site and proposed development is timely, considering the adequacy of the existing transportation systems, public facilities, and services for this portion of Freeman Road e affected by the proposed use.

- E. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district;

Finding 10: As has been consistently demonstrated for Findings 1 through 9 of this report, the applicant has worked to make her proposed home occupation compatible-with the general residential character of RR-5 zoned properties along Freeman Road. Further, Freeman Road serves an island of residential properties surrounded by Resource and Surface Mining zoned properties on all sides. It is also feasible that many residents along Freeman Road and residing in the trailer court will either walk to or ride bicycles to the new hair salon, which will only continue to preserve the residential characteristics of this area. Staff finds this criterion is satisfied.

F. The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use;

Finding 11: With regards to the County's Comprehensive Plan, Part X - Economy, is the most applicable. There are two goals of Part X:

1. To strengthen and diversify the economy of Columbia County and insure stable economic growth.
2. To utilize Columbia County's natural resources and advantages for expanding and diversifying the economic base.

The proposed hair salon supports these goals in that it will provide a stable employment opportunity for Ms. Gebbie who resides at home as the primary caretaker for her grandson. The proposed hair salon will not only allow her to generate additional income to her fixed-retirement income, but will also allow her to be gainfully employed without needing to find and pay for daycare for her grandson. A home based hair salon along Freeman Road will also provide a valuable service to nearby residents who can walk, bike or drive to it. Home occupations help to strengthen and diversify the economy. Staff finds that the proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use.

G. The proposal will not create any hazardous conditions.

Finding 12: As stated before for Findings 4 and 9, the applicant indicates she will only use materials that are safe for human skin and hair treatment and that can be safely drained into the existing septic system, and the County Transportation Planner states the consequent increase in 16 daily customer trips to the property does not merit a traffic study analysis detailing how the hair salon will impact the existing 540 average daily trips along Freeman Road. Additionally, the County Building Official will be required to approve all required building, plumbing, and electrical modifications to the existing residence prior to the issuance of any building permits which will ensure the residence can safely accommodate the proposed hair salon. Prior to final occupancy, the applicant will be required to demonstrate she can safely accommodate off-street parking for all customers by signing and marking one ADA and one standard parking spaces within her property's paved areas. Finally Staff concludes the existing 12' asphalt circular driveway ensures emergency vehicles can safely access and exit the subject property since the

Scappoose Rural Fire District has not submitted any objections to this proposal. Consequently, Staff finds this criteria has been satisfied and this proposal should not create any hazardous conditions on the subject or adjacent properties.

Continuing with County Zoning Ordinance Section 1503 Conditional Uses

- 1503 .6 **Design Review:** The Commission may require the Conditional Use be subject to a site design review by the Design Review Board or Planning Commission.

Finding 13: This proposal is subject to Planning Commission's and Board of Commissioner's review, but is not of such magnitude that a design review is necessary to ensure that public health, safety and welfare will not be compromised. Staff finds that a site design review is not warranted for this proposal.

Continuing with County Zoning Ordinance Section 1507 Home Occupations

- 1507 .2 **Type 2:** A Type 2 home occupation is reviewed as a Conditional Use by the Planning Commission and may be visible to the neighborhood in which it is located. In addition to the general criteria in Subsection 1507.3, the following criteria shall apply to a Type 2 home occupation:
- A. It shall be operated by a resident or employee of a resident of the property on which the business is located.
 - B. It shall employ on the site no more than five full-time or part-time persons.
 - C. Signs are permitted as per Section 1300 of the CCZO.

Finding 14: The applicant/ property owner will be the only regular employee of this home occupation and that she would like to have one other employee who can fill in while she takes vacations. She has stated she would like to have one sign to advertise her hair salon and that this sign will comply with the applicable provisions of the Zoning Ordinance. (See Finding 3). These conditional use criteria can be met and shall be made conditions of approval to ensure compliance for the life of the proposal.

Continuing with County Zoning Ordinance Section 1507 Home Occupations

- 1507 .3 The following criteria shall apply to all home occupations:
- A. A home occupation shall be operated substantially in:
 - 1. The dwelling; or
 - 2. Other buildings normally associated with uses permitted in the zone in which the property is located.

- B. A home occupation shall not unreasonably interfere with other uses permitted in the zone in which the property is located.

Finding 15: The proposed home occupation will occur within the residence's existing 10' by 10' laundry room provided the County Building Official authorizes and approves the applicable building, plumbing, and electrical permits. Likewise the County Sanitarian will need to authorize and approve the proposed change in use of the existing septic system as a condition of final approval. The applicant will also be required to mark and sign one ADA and one standard parking spaces on her existing asphalt parking area for her customers. All of these existing conditions demonstrate how the proposed hair salon will not unreasonably interfere with other permitted residential uses occurring along Freeman Road. For these reasons, staff finds the criterion are met and shall be made conditions of approval to ensure compliance for the life of the proposal.

COMMENTS RECEIVED:

Scappoose-Spitzenberg CPAC: There was no quorum for the August 11, 2009 CPAC meeting. However the three members present all recommended LDS approve the proposed type 2 Home occupation and had no objections to its approval as submitted.

Scappoose Rural Fire District: No comments have been received as of the date of this report.

County Sanitarian: Will require authorization of the change in use of the existing septic system.

County Roadmaster: Applicant will be required to show proof of an approved road access permit as none could be found on file and will not require the applicant to conduct a traffic impact study because the proposed hair salon will only increase average daily trips along Freeman Road by 16. Freeman Road's current average daily trips is 540 and 16 is only a 2.96% increase.

County Building Official: Commented that any construction to accommodate the new use will require building, plumbing, and electrical permits.

No further comments from agencies, citizens or otherwise have been received regarding this proposal as of the date of this staff report.

CONCLUSION, RECOMMENDATION, AND CONDITIONS:

Based on the facts, findings and comments herein and the addition of Condition 10 related to on-site parking signage and marking requirements, staff recommends **approval** of this **Conditional**

Use Permit for a Type II Home Occupation at 34235 Freeman Road further identified as Tax Lot ID # 4131-040-01101, subject to the following conditions:

1. This Conditional Use Permit shall become void unless the proposal has commenced in conformance with all conditions and restrictions established herein within the two-year validity period. Extensions of time may be granted by the Planning Director if requested in writing with the appropriate fee before the expiration date, given the applicant is not responsible for failure to commence with the proposal.
2. The applicant shall submit proof of a Road Access Permit for the subject property to the County Road Department or a Road Access Permit shall be obtained from the County Road Department and a copy shall be filed with LDS.
3. The County Sanitarian shall authorize and approve the change in use of the existing septic system.
4. The County Building Official shall authorize and approve any additional building, plumbing, and/or electrical permits necessary prior to operating a hair salon from the existing residence.
5. Before any sign is established for this Home Occupation business, approval and all applicable permits shall be obtained from the County. All applicable sign standards in effect at the time of County review shall apply.
6. The Home Occupation business shall be operated by a resident or employee of a resident of the property on which the business is located.
7. The Home Occupation business shall employ no more than two (2) people, regardless of whether or not they are full-time or part-time positions.
8. This Conditional Use Permit shall be applicable to this proposal only and shall not run with the land.
9. Any departure from the conditions of approval and restrictions established herein shall subject this Conditional Use Permit to suspension or revocation in accordance with the procedures of the Columbia County Zoning Ordinance.
10. Prior to final occupancy, the applicant shall sign and mark at least one ADA parking space and one standard parking space in order to provide sufficient onsite parking for potential customers.

ATTACHMENTS:

(1) Application for CU 10-05

CU 10-05 Gebbie, Starla

- (2) Plot Plan and Zoning, Address and Vicinity Maps
- (3) Written Complaint dated 9/2/09 and Phone Compliant dated 9/11/09 and Code Enforcement Officer's Follow-up
- (4) Julie Jackstadt's 9/25/09 Appeal of Planning Commission's decision of CU 10-05 and unsigned Letter from Seven Residents of Freeman Road
- (5) Letter from Lisa and Ted Kelley dated 9/29/09 expressing they have no objections to the authorization of CU 10-05 provided all conditions are met.
- (6) November 9, 2009 Memo and 7/27/09 Referral and Acknowledgment from Lonny Welter County Transportation Planner and 7/30/09 Referral and Acknowledgment from County Sanitarian.
- (7) Final Order for CU 10-05

cc: Stara Gebbie 54235 Freeman Road, Scappoose, OR 97056
Julie Jackstadt, 54260 Freeman Road, Scappoose, OR 97056