

COLUMBIA COUNTY PLANNING COMMISSION MEETING

October 2, 2017
Meeting Minutes

Planning Commission Members Present: Paula Lichotowich, Linda Hooper, Shaun Stewart, Claudia Frace and Bill DeJager

Staff Present: Deborah Jacob, Hayden Richardson and Kay Clay

Others: Eugene & Linda Thompson, John & Mary Nolen, Christy & Patrick Murphy, Rod & Joan Myers, Ramon Pefa, Siva Weilert, Sam B.

Linda Hooper, Vice Chairman, called the meeting to order at 6:31pm

Hayden Richardson read the pre hearing statement.

MO 17-18 MOD & DR 17-07 MOD

No ex parte contacts

Hayden Richardson asked to continue MO 17-18 MOD & DR 17-07 MOD to the November 6, 2017 Planning Commission meeting due to changes on the development plan and the septic system.

Paulette Lichatowich made a motion to approve the continuance of MO 17-18 MOD & DR 17-07 MOD to the date certain of November 6, 2017, Bill DeJager seconded, motion carried all in favor.

CU 17-10

No Ex parte contacts

Deborah Jacob presented the staff report.

Background:

The applicants, Christy and Patrick Murphy, request approval of a Type II Home Occupation to convert and expand their existing Pomeranian Breeding Facility to a

Displaced Pets Rescue with a primary focus on rescuing and finding homes for tiny dogs under 10 pounds. The Columbia County Planning Director reviewed and approved CU 02-68 on July 23, 2002 that authorized the applicants' original Type 1 Home Occupation/ Conditional Use Permit for the establishment of their Pomeranian Breeding Facility (CU 02-68 Application and Final Order attached). The subject property is 5.41 acres in size and is located within a mile of the southern County line on Nehalem Highway South. Existing site development consists of a single-family residence, a detached shop, septic system, and a well.

Over the past year, the applicants have also inadvertently added the new kennel structure and outdoor fenced play areas without any authorization from Land Development Services. The submittal of CU 17-10 to LDS and the subsequent necessary issuance of all applicable land use and building permits will rectify these unauthorized structures and uses.

The applicants' explain their submitted proposal as follows:

"Our current Type 1 Conditional Use Permit issued in 2002 allowed us to operate a Pomeranian Breeding Facility in our residence. Through the years the activity has changed to a primary focus on the rescue of tiny dogs under 10 pounds in size. We are rescuing tiny dogs from Oregon, Washington and California; providing necessary vet care, placing them in homes and providing follow-up training support. Over the past six years we have rescued and placed an average of 92 dogs per year. We incorporated as Displaced Pets Rescue Inc., in 2009 and received our 501 C3 tax status in 2010.

We will be moving all of our animal activities from our residence into a separate 10' by 40' modular building. Our current activities are changing, their location and will move them to the new space, rather than in our residence. These activities include intake of shelter dogs and owner surrenders, health screening, grooming, laundry, housing and training. We only work with tiny dogs under 10 pounds and maintain an average of 35 dogs. We have held a current Columbia County Kennel Permit since 2002

The additional outdoor play areas, north and south of the building, allow secure areas for training and relaxation with only 3 or 4 dogs in each space (approximately 12' x 12' in the entire space). These areas are fenced with home grade chain link fencing. The ground preparation is another layer of pea gravel to allow for property drainage and a layer of 12" patio blocks. All animal waste is picked up daily and disposed of properly and areas are washed down twice weekly and natural diatomites are added for control of fleas and other parasites annually"

Approximately eight years after LDS approved the applicants kennel in 2002, on January 4, 2010 the Board of County Commissioners adopted Board Order 2010 -03 for the Amendments to Section 1802 of the Zoning Ordinance related to the operation of Kennels in the county's unincorporated areas. Consequently, the applicants' kennel indoor and outdoor expansion and relocation (shown above) requested for CU 17-10 requires the county to review and approve it for consistency with the provisions in

Section 1802. During the 9/18/15 phone conversation with the County Animal control officer, the Project Planner confirmed the applicants have been continually licensed as a Kennel since 2003 which includes annual inspection of all building(s) used for kennel facilities.

Beaver Creek runs along the eastern portion of the subject site which is classified as a fish-bearing stream according to the Oregon Department of Forestry's Stream Classification Map of Vernonia. Although there are identified wetlands associated with Beaver Creek, the FEMA FIRM Panel No. 41009C0400 D, confirms there are no flood hazard areas on the site. The Beak Map of the Upper Nehalem C PAC Area however, indicates the subject property is located within a Peripheral Big Game Habitat Area but does not contain any threatened, sensitive, or endangered plant or animal species.

Although the proposal includes authorizing the outdoor fenced play areas for dogs, no encroachment will be authorized within Beaver Creek's 50' Riparian Corridor to the east. The remainder of this report will evaluate the extent to which the requested dog kennel expansion requested for CU 17-10 can be converted to a Type II Home Occupation will be able to comply with the minimum applicable criteria in Sections 500, 1503, 1507, and 1802 of the Zoning Ordinance related to Conditionally Permitted Home Occupations in the PF-80 Zone.

Deborah did point out that the modular office needs to be legalized, the owner did not know that a permit was needed for something of that size. While legalizing the office the owners are advised that the office and the house can not be attached.

The only inquires that the county has received is from Jeff Walton who owns a business (camp ground) next to this property and wanted assurance that the noise would be kept in compliance and suggested that insulated panel be put around the fencing to alleviate noise. The applicants have no problem doing that.

Paulette Lichatowich asked if the property was flat going toward the creek, if there is a wastewater plan and if natural diatoms is a safe pesticide.

Opened for public comments:.

Christy Murphy, owner-applicant. Christy address the complaint that Mr Walton had in regards to the noise. The Murphy's will install polymer panels as a noise barriers in the kennels, since the dogs are so small they will install a 30 inch barrier, Mrs Murphy has asked that Mr Walton notifies her within a few days prior to an event and she will make sure that the dog's are inside. The buildings around the kennel will also buffer the noise. The riparian corridor is not a problem. The only customers they would have are those that have been invited, there are no drop in's. In regards to the diatom and it is used one time a year to control fleas and parasites. That is used in the run area. Christy also

pointed out that the soil is a heavy clay in the area of the kennel and there is minimal run off if any.

Claudia Frace wanted to verify the number of dogs they have. Christy replied that the average is 30-35 dogs. Their business will not increase in size. They are wanting to use the office to work more efficiently.

In favor:

Jean Nations spoke in favor of this application and pointed out that this is a good thing that the Murphys are doing to protect dogs.

Close the public hearing.

Bill DeJager made a motion to approve CU 17-10, Claudia Frace seconded. All in favor motion carried.

CU 18-02 Ramos

No Ex parte was declared. Deborah Jacob did mention that she had previously use this service, one time and it was about two years ago.

Deborah Jacob presented the staff report.

Background:

The applicants, Enrique and Gretchen Ramos, reside at 57703 Old Portland Road and have submitted an application to the County to legalize their establishment of a lawn maintenance business from their home as a Type II Home Occupation on their 1.15 acres in the Single Family Residential (R-10) Zone on a property located within the City of St. Helens' existing Urban Growth Boundary(UGB). On July 13, 2017, the County Enforcement Officer received an anonymous complaint stating the applicants were conducting a home occupation without any permits. Consequently, the Enforcement Officer opened a Code Enforcement File (COD 2018-004) and informed the applicants they needed to submit a Home Occupation Permit with fees to Land Development Services which the applicants filed within one week.

The property is served by Warren Water Association, an approved septic system and accesses off of Old Portland Road. The applicants summarize their proposal as follows:

“We own a lawn maintenance business and the office is located on the property where 1 employee works full time. The equipment is stored on site in a shop and trucks with trailers park on the property in the evenings when not in use. All fifteen of my workers hold Business licenses in surrounding cities where they perform all work related to lawn maintenance. The property was previously a business location (CU 05-15 a Type II Home Occupation for an automobile detailing business) for previous owner when I purchased it in 2011.

There will be no work at this site, the employees come, park and head out in the field. All structures for the business were permitted by the county. The existing sign will have to be removed and a new sign (if needed) will have to comply with the county rules.

Opened for Public comment:

Gretchen Ramos, has no issues with the staff report and will do whatever is needed. Most of the employees car pool and the trailer will be parked inside.

In Favor: none

Opposition: None

Closed public hearing.

Bill Dejager made a motion to approve CU 18-02, Paulette Lichatowich seconded. All in favor motion carried.

Break 7:30 - 7:35

Linda Hooper announced that for the duration of the meeting that the Planning Commission would be deliberating the recommendations for TA 17-02. No comments from the audience but they were welcomed to listen. Any comments that would like to be presented could be at the time that the BOC hears this proposal. The BOC will have its hearings in the future, maybe 6-8 weeks.

Deborah gave a copy of the proposed amendments to the Planning Commission for review.

TA 17-02 Deliberations only

Meeting adjourned 8:45 p.m.