

COLUMBIA COUNTY PLANNING COMMISSION MEETING

June 17, 2019

Draft Meeting Minutes

Planning Commission Members Present: Alta Lynch, Linda Hooper, Claudia Frace and Jeff VanNatta

Staff Present: Matt Laird, Hayden Richardson and Kay Clay

Others: James Davis, John Miller, Katie Miller, Dale Miller, Scott Koller, Pat Kilgore, Denise Kilgore, Tritia Tonn, Emma Phillips, Ray Brown, Kim Miller, Terry Miller, Sharmel Evans, Mark Evans, Curtis Bailey, Carrie Stucker, MaryLou Nickelson and Nick Nickelson

The meeting was called to order at 6:30 p.m. by Jeff VanNatta

The pre-hearing statement was read at 6:30 by Hayden Richardson.

CU 19-06 Katie Miller

No ex-parte

Andrew Bradley submitted a letter for the record (Attached)

Hayden Richardson presented the staff report

REQUEST: Conditional Use Permit for a Type II Home Occupation to use an existing barn structure to store equipment for the applicant’s floor covering installation business from their home.

CCZO APPLICABLE REVIEW CRITERIA:

Columbia County Zoning Ordinance

Section 620 Rural Residential (RR-2)

Section 1503 Conditional Uses

Section 1507 Home Occupations

BACKGROUND AND SUMMARY:

The applicant, Katie Miller, has submitted an application for a Home Occupation permit in order to operate a floor covering installation business from their residence at 33788 Berg Road in Warren. The subject property is approximately 2 acres and is zoned RR-2. The property is served by Warren Water Association and a septic system. It has an existing access off of Berg Road,

however, the proposed home occupation will utilize a different access than the driveway. This access is located just to the east of the existing driveway. The majority of the work happens off-site, at the locations where they are installing the flooring, however the applicant will be storing equipment/work vehicles onsite.

The submitted application states that the applicants run a floor covering installation business and the actual floor installation is completed at the clients' location. The subject property is used for parking vehicles, work trucks, and storage for tools in a structure located behind the existing dwelling. Employees typically arrive to the subject property where they park their cars and load up the work vehicles. Once the work is completed off site, they return to the subject property, unload the work vehicles and leave for the day.

The request for a Home Occupation Permit was initiated by a code enforcement complaint received from a neighbor of the subject property (192-18-000200-NVST). The complaint, received May 15, 2018, stated that the residents are conducting a commercial business without the proper permits. It also states that the workers come and go all hours of the night with noise being generated at 3:30 AM in some cases. The application for the requested Home Occupation permit was received by LDS Staff on March 19, 2019.

The subject and adjoining properties along Berg Road are all zoned for residential uses, the majority of which are zoned RR-2. According to FEMA FIRM Panel 41009C0465D, the property does not contain any identified flood hazard areas. Also, according to the Scappoose-Spitzenberg Area BEAK Maps, the property does not contain any sort of sensitive habitat, wetlands, hydric soils, or other environmentally sensitive areas. Emergency services are provided to the site by Columbia River Fire and Rescue and the Columbia County Sheriff.

After reviewing the applicable criteria in sections 620, 1503 and 1507 of the Columbia County Zoning Ordinance staff recommends approval of CU 19-06.

Open:

Claudia Frace asked why anyone would want to run a business like this out of a home. Hayden Richardson responded that home occupations are a way to run a small business without a large overhead.

Alta Lynch wanted to know if the property taxes would go up.

It was mentioned that the taxes would go up but that is a question to the finance and taxation department to get a definite answer.

Linda Hooper wanted to know how enforcement is done on a home occupation and would/could the home occupation be revoked? Hayden Richardson responded that enforcement is complaint driven and if the owner is not following his conditions it could be revoked.

In favor:

Katie Miller, owner/applicant. They are actually a sub-contracting company. All of their work is off site and the majority of it is in the Portland area. The materials that they use are at the site that the work is being done at, they do the work for the primary contractor. There is no work done on their property. They carpool and load their tools needed for a given job. They car pool because the work is done at another site. They have recently received a signed easement to access their property from the west to help cut down on the noise. The employees and owners take about 20-30 minutes to load their equipment. Again, they are just trying to make a living, they do sub-contractor work and they want this arrangement to work. They would like to ask that we set the starting and stopping hours realistically. They have to start early to be on the job site when the contractors tell them to be there. When they have jobs further away they will remain in the town where the job is if it last longer than a day. ie: Eugene, Corvallis.

Claudia Frace asked if any job materials were kept at their house, if the employees could take the vehicles home and if a 7-7:30 am load time was workable.

Katie Miller responded that any materials they use were kept at the job site not at their house, currently the employees do not take the vehicles home at night because of insurance expense. Again all they load each day are tools. They also go to multiple sites to work. Starting at 6:00 a.m. would be a option.

Linda Hooper verified that it was the tools that were kept in the barn?

John Miller wanted to explain that the employees were not insured on off time hours because the insurance rates would be really high. They load each morning for that day's job and there are currently no employees there before 5 a.m. The tools that are kept in the barn were personal tools, but bigger tools like the turbo stripper machine were stored there also. John also pointed out that with the new access the employees would be parking on the west side of the property by the barn.

Alta Lynch, questioned if there is loud music and loud vehicles. Are there times when you start loading at 3:00 a.m.?

John Miller said there is no loud music. The vehicles that his employees drive can be loud based on the year, some are older cars. John wanted to clarify that they never start work 3:00a.m.

Katie Miller also wanted to clarify that the complaints made against them in the past referenced a different business that had been moved off site. This business is a new application and a new business.

James Davis, owner. In the 1980's and 1990's his aunt lived on the property and the neighbors

complained back then also, for things like grass clippings going on the neighbor's property. It is less noisy on the driveway now than before because the driveway is paved. There have always been minor complaints about spraying and trimming. There are never customers at his site. There are usually 4 vehicles on site. They use small tools. There has been complaints toward this property prior to their ownership. The homes are close together because the lots are narrow.

Scott Koller, he is in favor of the small business. The property is cleaner now than it has been in the past and he has helped with cleaning the property in the past. The complaints are petty and he feels this is just an application for a permit to let the employees park their cars there.

Jeff VanNatta reminded the audience that this was an issue regarding the noise.

Terry Miller. He promotes small business, there has been complaints in the past no matter who the owner is. It's a clean business, just give them a chance to operate and keep the cost down.

Curtis Bailey. Request that they keep the noise down, be respectful and do not start up or have activity at 2-3 in the morning. No earlier than 6:00 a.m.

Opposition:

Pat Kilgore, owner of the property next to Katie Miller. There have been previous issues in the past with others. The employees don't seem to respect their employer in regards to yelling-loud voices, abusive language and excessive noise. There is garbage on the property, junk in the yard that is inviting to raccoons. There is early morning loading and it is noisy, usually 4:30-5:00 a.m. The sliding doors on the vehicles going up and down multiple times is annoying and they do that beyond 9:00 p.m. When they are loading the tools it is very noisy. Pat's property is 5' from the old driveway. The new fence that was put up is great and it helps block some of the noise. The bottom line is that this is a residential zone and businesses should not be ran in a residential area, it's for homes not businesses. He feels that 8:00a.m., would be a good start time in a residential setting.

Alta Lynch wants Mr. Kilgore to qualify what doors were going up and down multiple times.

Pat Kilgore said it was the vehicle doors on multiple vehicles.

Claudia Frace was curious if the owners cleaned the property up just to take pictures. The response was no, because no one knew when the pictures were taken. It looks like the place is clean.

Emma Phillips, she lives next to the property and when her family purchased it, the property was clean and quiet. Now there is garbage under the trees, messy and very noisy, very foul language and the noise starts around 5:15 a.m. They have tried to talk to the owners and it did not help. The area is for residential use and a business is not residential.

Claudia Frace asked what type of garbage she was talking about because in the pictures it does not show any. Emma replied that it was trash in the back part of the property from the owners, all types of trash.

Alta Lynch wanted to clarify that they did talk to the neighbors. The reply was yes.

Ray Brown, lives the furthest away from the Millers. He has no animosity toward the Millers and is new to the area. He has spent lots of money on his home so he could enjoy it. There is a lot of noise and vehicles on the Miller property. He thought he was buying in a residential area not a business area. Having a second access would be good since the first access is right next to the bus stop.

Sharmel Evans. Submitted a photo (Attached) showing the flooding issue on their property, option 2 for access. More road activity would make the road worse. The Evans' have not issued an easement to use option 2 (using their side of the property)

Mark Kummer. Would like to know what they do with the toxic waste from the jobs, where it goes.

Kent Allison. Works in Portland and comes home to relax in a rural environment not a commercial environment.

Rebuttal:

John Miller. The materials that his company use are "green" products. There are no scraps brought to this site. They are dropped off at the transfer station. The vans that they have are personal vehicles. If there is any noise after 5:00p.m. it is not the business it is personal. There is nothing past the barn that is related to the business. The storage container is personal storage. There is no garbage under the trees and no business garbage on the property.

James Davis. The property is clean, the trees on the property act as a buffer and there is no trash.

Katie Miller. They try to be receptive to the neighbors, although they have received verbal abuse from the neighbors. They do not have a dumpster on the property. They are trying to make a living and trying to be proactive and respectful.

Jeff VanNatta wanted to know if the other employees could be picked up at a different location. He also asked the commission if they needed to table the decision and visit the site.

Alta Lynch said she would like to visit the site.

Alta Lynch made the motion to continue this application to Aug 5th, 2019, Linda Hooper

seconded. Alta Lynch, Linda Hooper, Claudia Frace and Jeff VanNatta were all in favor, motion carried.

Closed Hearing.

Other business: Approval of May 6, 2019 minutes. Linda Hooper made the motion to approve the planning commission minutes for May 6, 2019. Alta Lynch seconded. Alta Lynch, Linda Hooper, Claudia Frace and Jeff VanNatta were all in favor, motion carried

Approval of June 3, 2019 minutes. Linda Hooper made the motion to approve the planning commission minutes for June 3, 2019. Alta Lynch seconded. Alta Lynch, Linda Hooper, Claudia Frace and Jeff VanNatta were all in favor, motion carried

Meeting adjourned 7:42 p.m.

June 10th, 2019

Columbia County Planning Commission,

I'm writing in regards to the conditional use permit application CU 19-06. Upon reviewing the application I have several concerns as a neighbor of this. First off it has been stated that complaints have been received from neighbors to the east from current access so the access will be moved to the west. Does this solve anything or does it now create a new complaints from neighbors in other directions? This also suggests that current business is ongoing and therefore illegal to this point. Also on the site map in the application access option 2 appears to suggest the use of another neighbors private road and option 1 is on the property line next to a septic tank. Where is the drain field located from that tank and what are the required setbacks from a septic tank. This seems especially important if larger work vehicles are going to be using this road. Has any homework been done on this by the applicant? The staff report in finding 5 doesn't clarify the proposed access as being approved by the sanitarian. As a neighbor this is concerning.

The economic impact in finding 8 is vague. In our county we promote commercial use for businesses and zone accordingly. It is a major advantage to run your business from home for several reasons such as storage of tools and materials and avoiding leasing commercial property. How is this economically fair to other flooring businesses that have to locate commercially? This is a huge advantage to locate at home and could potentially cause other flooring companies out of business because they can't compete with businesses managed from home. As stated in the staff report this home occupation creates employment opportunities for county residents, this is correct 5 of them that already illegally exist. However the application states it has 6 employees now! That's 1 person actually losing there job by my math. Also what about the people who could lose there jobs because their competition has lower expenses and puts them out of business? These economic ramifications should be further considered and remain consistent with our county zoning guidelines to create a fair business atmosphere for both current and future business owners.

Allowing a business with this many conditions will likely be a compliance nightmare for the owner and enforcement both. Since this has been an ongoing business illegally located already it seems highly unlikely the 'new ' rules will be in compliance. It has been over a year since the 1st complaint was received until now when something is attempting to get done, yet in that time frame enforcement has not been enforcing! If approved this permit opens many doors business wise such as larger equipment/vehicles and potentially larger buildings for storage. Look no further than Hazen Rd. across from the old golf course. A Type 2 home occupation is now a giant business with semi truck bays and warehouse sized buildings. Church Rd now has daily semi trucks to service 1 home occupation. Zoned residential yet used commercially. Berg Rd could not handle this type of traffic but approval of this home occupation could lead to similar circumstances. As a resident of Warren and neighbor on Berg Rd let's keep intact the integrity of our residentially zoned community.

Thank You,

Andrew Bradley, 33735 Berg Rd



