

## COLUMBIA COUNTY PLANNING COMMISSION MEETING

April 7, 2014  
Meeting Minutes

Members Present: Linda Hooper, Guy Letourneau, Alta Lynch, Terry Luttrell and Jeff VanNatta

Staff Present: Glen Higgins, Deborah Jacob, Kay Clay and Roger Kadell

Others: Liana & Todd Viken, Blair Walter, Diane Dillard, Robin Loper, Theresa Holt, Terri Lahti, Sandra Wilson, Tricia Stockwell, Erin Stockwell, Todd Jensen, Kelly Davis, Tom Davis, Pat McDevitt, J M Wilson, George & Debbie Benz, John \_\_\_\_\_, Tom Howell, Sandi & Randy Hess, Shaun & Leonard Larsen, Shelley Harley

The Planning Commission meeting was called to order by Jeff VanNatta at 6:30 pm, Guy Letouneau immediately took his chair.

Deborah Jacob read the pre-hearing statement.

No Ex-Parte was declared.

CU 14-11

Deb Jacob presented the staff report. The application is for a Conditional Use Permit for a Type II Home Occupation for a new 4,000 square foot kennel structure that will house dogs associated with the existing kennel and boarding facility known as *Hug-A-Bubba*.

In summary:

Since November 2010, the applicants, Liana and Todd Viken, have been operating a dog kennel and boarding facility - known as *Hug-A-Bubba* - as a Type II Home Occupation from the underground basement in their home at 55501 Columbia River Highway in the Rural Residential (RR-5) Zone. This existing kennel operation as applied for in 2010 (CU 10-45) was appealed, reviewed and approved by the Columbia County Board of County Commissioners on October 6, 2010 provided they comply with the conditions in Final Order No. 66-2010 (attached). Although the Vikens have been successfully operating *Hug A Bubba* for these past three years, they would now like to construct a new 4,000 square foot kennel structure in order to move *Hug A Bubba's* kenneled dogs out of their basement and into this new separate facility.

Before the applicant can build the new kennel structure they must submit a new Type 2 Home Occupation (CU 14-11) since the new proposed kennel operation is outside of the allowed uses established in the previous 2010 approval. Since then, the County also

amended the Zoning Ordinance in January 2011 (through Ordinance No. 2010-03 attached) in order to include new provisions that Specify Land use Restrictions, Standards, and Review Processes for Dog Kennels operating in the county. Consequently, the current proposal CU 14-11 will be reviewed for compliance with the amended zoning provisions in Sections 600, 1800, 1801 and 1802 of the Zoning Ordinance. One of the Board's Additional Findings for conditionally permitting dog kennels in the RR-5 zone was to limit these kennels to 15 dogs. This size limitation was necessary not only to allow for small-scale kennels that could be compatible with surrounding residential uses, but to also prohibit larger and more intense kennels that are more likely to conflict with the surrounding residential uses. As far as the size of the kennel structure building, the State LCDC adopted rules (OAR 660-022-0030(10) that county land use regulations may not permit commercial buildings in excess of 4,000 square feet of floor space in any rural zoned area. The restriction realizes a "small, low impact commercial use."

The existing site development on the 5.34 acre property consists of a single-family residence, two detached shops, a private well, a septic system, and an approximate .50 acre fenced outdoor play area for dogs located along the north and east property lines. This outdoor fenced area, as approved by the Board in 2010, is considered to be a lawfully established Non-Conforming Use/Structure because it does not comply with the minimum 100 foot setback from all property lines as required by the provisions in Section 1802.2 of the Zoning Ordinance. Findings 1 and 2 will discuss and evaluate whether or not the applicants can continue to use this outdoor area according to the applicable provisions in Section 1506 related to Non Conforming Uses.

The CU 14-11 site plan confirms all of the site's existing development is clustered in the property's northeast portion in close proximity to Columbia River Highway. The new 4,000 square foot kennel structure will also be in this same area and close to the outdoor play area for dogs. In addition, the new kennel structure will be at least 100 feet away from all property lines per the requirements for dog kennels in Section 1802.2. This internal view of the new 4,000 square foot kennel facility will provide dogs with separate areas for kenneling, play/exercise, and bathing/grooming, as well as reception, break room, food preparation, storage, and bathroom facilities for *Hug-A-Bubba* employees. The applicants state that with this new larger and multi-faceted kennel structure, "dogs will be indoors 90% of the time either resting or playing."

Section 603.5 of the Zoning Ordinance limits dog kennels in the RR-5 zone to a maximum of 15 dogs.

The existing outdoor fenced area in the NE corner of the subject site (shown on Pages 5 - 7) is considered by Land Development Services to be a lawfully established Non Conforming kennel structure associated with the applicant's existing kennel operation and approved by the Board of Commissioners on October 6, 2010. This location - along the north and east property lines - does not conform with the new siting specifications in Section 1802.2 requiring all

kennel facilities approved after January 4, 2011 to be at least 100 feet away from all property lines.

Upon reviewing the Board of Commissioners Final Order for CU 10-45, one of the Board's justification for restricting the kenneled dogs' outdoor exercise time to this specific location was because this is the area of the 5.34 acre property where the Columbia River Highway noise is most pronounced. The Board determined that one effective way of minimizing potential detrimental impacts (barking dogs) on adjacent RR-5 properties would be to locate these barking dogs as close as possible to the (already noisy) state highway. Further, the Board also required other conditions of approval to help minimize the kennel's impacts on nearby rural residents and their properties. Specifically, these additional conditions required dogs:

- (1) Only be allowed outside in groups of four, for 45 minute increments (each) two times per day;
- (2) Only be allowed outside if contained within the existing exercise yard, on a leash, or in a carrier;
- (3) Be kept indoors between 9 pm and 6 am; and
- (4) The applicants were required to plant 6 foot high hedges along the northern edge of the fence to minimize noise onto the closest neighbor. *(Note: This hedge and home can be seen on Pages 6 & 7).*

The submitted application and documentation for CU 14-11 confirms the applicants will continue to adhere to these conditions for outside dog time and are not requesting any modifications or changes in the existing authorized uses of this non conforming kennel exercise area. The applicants will still only allow 2-4 dogs to be in this outdoor non conforming structure at any given time and for no more than 45 minutes each time. Dogs will be walked to and from this outdoor play area on leashes or in carriers, and employees will always supervise dogs while they play and exercise in this outdoor kennel facility.

Guy Letourneau asked if there would be a need for a site design and Deborah responded that it would not be necessary.

Open meeting for comments.

**In favor** of the application:

**Liana Viken** commented that they have no problem complying to with the conditions set forth in the staff report. They have maintained a kennel at this location in their basement for approximately 3 years and there has not been any complaints or issues.

**Guy Letourneau** questioned what will the building be finished with and Liana replied it would have sheet metal walls with a 2 x 4 finish and would be insulated to maintain the noise levels.

**Blair Walter**, consultant for the Vikens, is very supportive of this application and feels it will be good for the community. Mr Walter is a member of the Chamber and supports this business and hopes it can continue to operate and expand.

**Theresa Holt**, is very supportive of this kennel, it is a very clean facility and the dogs are managed with the up most of care. She feels that the Viken's are very professional and open to working with anyone.

**Roger Kadell**, Columbia County Animal control officer. Roger oversees the 40 dog kennels that are in Columbia County and is concerned for the health and safety of dogs. This kennel that the Viken's run is like suites for dogs. He has never had complaints or problems with this kennel, they are doing it right and wished that other kennels operated so well. The noise levels are not bad at this location. He supports this kennel.

**Robin Loper**, states that Liana is very passionate about her work with the kennel and how professional it is ran. Dogs get only the highest level of care at this kennel.

**Diane Dillard**, has known the Viken's for four years and does not consider this a business but a home for the dogs. It is top notch care. The Viken's are very ethical and will do what is right.

**Randy Hess**, he took his dog there for grooming and confuses that his dog is wild and nuts and was not looking forward to the visit. When he arrived Todd Viken approached the dog and the dog calmed right down, he feels that Todd is a dog whisperer and has total control of the dogs.

### **Opposition:**

**Debbie Benz**, is opposed to this application and represents her neighborhood as well as the surrounding neighborhoods. She took a survey and noted that 76 homes were opposed to having a kennel that close and only 3 were in favor. She happened to run in Wayne Mayo who is running for commissioner and he was also against boarding dogs outside. Debbie does not feel that a kennel should be allowed in an RR-5 zone. With the potential of dogs being in an outside kennel there is more chance of un-controlled barking. They live in the rural area for peace and quiet and the dogs are disruptive.

**Jim Horn**, letter read by Debbie Benz, does not feel that this is a good location for an outside kennel, simply is not a good fit for the area.

**Alta Lynch** questioned if Debbie Benz presented the complete application when she did her survey and if Debbie had ever filed any complaints. Debbie's response was she did present the complete application and no she had not registered any complaints.

**George Benz**, is opposed to this application. He says that this application does not make sense, having a kennel in a RR5 zone. His concerns are that the white noise that is referenced is not there at night to help cover the barking. The dog barking is a pulsating noise and the

white noise does not cover it. How will the noise be controlled in the building, the applicants are a distance from the kennel so how will they control it. This new building changes the character of the zoning. The dogs are not annoying in the day time but people are with them then. Mr Benz has concerns that ODOT should review. This is a bad spot to turn and he is concerned that elderly people may cause an accident turning across Hwy 30. He wants this business to be taken out of the RR5 zone, it doesn't make sense to him to have it there. Please consider the neighboring property owners.

**Shelley Harley**, Opposed. She feels that the location is bad and that the surrounding property owners should be considered. The acoustic noise is bad. She feels that the current zoning is being minimized and the kennel doesn't belong there.

**Shawn Larsen**, Opposed. She doesn't believe that the barking in the kennel will not be heard. The kennel in Marracci Road is horrible. There are day sleepers in the neighborhood and she is concerned how that will interrupt their sleep.

**Dave Wilson**, Opposed. His property borders on the east end. The theory is good but not in a residential area. The people that are in support of this business do not live in the area. If there are any problems arising from this who does the property owner turn to?

### **Rebuttal**

**Liana Viken**, they do have a good tracking record, no complaints and the County Animal Control officer does support it. As far as the building size for dogs, the same size a building gets built for horses and that is ok. This building will be close to the Viken's home and the building is monitored. If the dogs are happy they will not bark and they intend to keep them happy.

**Todd Viken**, this business does not allow barking dogs.

**Linda Hooper**, wanted to verify that this use is allowed in a RR5 zone and that this application is for the new structure only. Deborah Jacob responded that it is on both counts.

### **Closed the Public Hearing**

**Guy Letourneau** pointed out that there are other business in the area, Warren automotive and Midway Vet, not to mention the railroad. This building will be well built and insulated.

**Jeff VanNatta** moved to approve CU 14-11, adding condition #16 "The County Sanitarian shall approve how the disposal of any wastewater being created by the dog kennel use occurs pursuant to the Columbia County Kennel Wastewater Policy." **Alta Lynch** seconded.

All in favor, motion carried.

Meeting adjourned at 7:50 p.m.