

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

MINUTES

July 1, 2015

The Columbia County Board of Commissioners met in scheduled session with Commissioner Henry Heimuller, Commissioner Anthony Hyde and Commissioner Earl Fisher, together with Robin McIntyre, Assistant County Counsel and Jan Greenhalgh, Board Office Administrator.

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

MINUTES:

Commissioner Hyde moved and Commissioner Fisher seconded to approve the minutes of the June 24, 2015 Board meeting and June 24, 2015 Staff meeting. The motion carried unanimously.

VISITOR COMMENTS:

None.

HEARING: APPEAL OF MARILYN SHOBER HARDSHIP PERMIT:

This is the time set for the public hearing, "In the Matter of the Application of Marilyn Shober for the Renewal of a Temporary Health Hardship Mobile Home Dwelling in the Rural Residential (RR-5) Zone".

Robin McIntyre stated this is a land use application and noted the hearing procedure. She gave some brief background information on this application which was approved by the Planning Commission and was then appealed to the Board of Commissioners by David Hellberg. When asked for any exparte contact, Commissioner Heimuller declared that he spoke with Mrs. Shober's daughter just to explain the hearing procedure, no discussion was held on the application itself. Commissioner Fisher spoke twice with Mr. Hellberg, but not about this case. Commissioner Hyde spoke with Frank Lynch, but not about this hearing. After reading the pre-hearing statement into the record, Robin entered County Counsel's hearing file, marked Exhibit "1" with a list of all contents; and the tax record showing property ownership as Exhibit "2" into the record.

Glen Higgins, Chief Planner, came before the Board to give the staff report. Marilyn Shober was granted a Temporary Permit on 2/14/15 to allow her son Robert Shober to live in the existing mobile home on the property to provide her care. Marilyn is elderly and continues to be ambulatory but has some movement disorders. Her primary care

physician states that "Ms. Marilyn Shober requires daily care from the assistance of her son who currently resides on her property". Glen explained that every year all temporary permits must be renewed. By ordinance, the renewal process requires notification to other property owners within 500 feet. A neighboring property owner filed a referral to have the decision for the renewal be made by the Planning Commission at a public hearing. At that hearing, and after receiving evidence and testimony from those in favor and those opposed to renewing the temporary permit, the Planning Commission approved renewal of the temporary hardship permit. The same neighboring property owners, David and Linnette Hellberg, appealed that decision to the Board of Commissioners. Glen then reviewed the applicable criteria, which has been met. Staff recommends that the Board decline the appeal and approve the Temporary Permit 15-343. Glen noted that, it is his opinion, these people have a long history of disagreements and simply do not get along.

Commissioner Fisher asked about the photos of the house and mobile home - the two story house belongs to Shobers.

The hearing was opened for public testimony.

PROPONENTS:

Robert Shober, 53129 Flint Drive, presented the Board with a letter from Marilyn Shober's doctor stating that she is unstable on her feet and needs his care. The Board has been made aware that there is a neighbor that doesn't want to get along with anybody. The long and short is that his mother needs his help, the application has met all of the criteria and the permit was approved by the Planning Commission. Robert submitted the physicians letter into the record, marked Exhibit "3". Robin noted that this document it will be entered but will not be subject to disclosure due to HIPPA laws.

Richard Yager, 53318 Flint Drive: He has lived there on a five acre parcel for the past 20 years. Over that time, Mr. Shober he has been a model neighbor and never had any problems with him. If he ever needs anything, Robert is always willing to help him out. Robert even maintains the road, because the County doesn't. Richard has no objections to him staying on that property.

Eleanor Blessing, 32345 Baumgardner Lane, Scappoose: Her family has lived on this property for over 70 years. Her home looks over both of the neighbors in dispute. There has been reports that the mobile home is unsightly. We live in a rural area and there are no manicured mansions up there. She wouldn't think it prudent to buy a piece of property if the surroundings were not up to someone's standards. The discord between these neighbors has filtered out to some of the other neighbors. Bob and Lori Shober are good neighbors and she is here to support them. She is in her 80's and they are always there if she needs help. It would be nice to close this chapter.

Lori Shober, 53129 Flint Drive: She has lived in her home for over 15 years taking care of her family members, as it should be, instead of putting them someplace where they're not getting care. They try to be neighborly - if someone needs something, she and Bob help them out, but they don't want to be pushed around or constantly harassed. They try to keep their trailer up as well as they can, but even if that trailer were moved, she and Bob would still live on the property. They have done everything they can to appease the neighbors. Why can't they just live their lives and move on.

OPPONENTS:

David Hellberg, 53180 Flint Drive, Scappoose: He is an adjacent property owner to the Shober's. There has been a lot of falsehoods stated here today. The only thing his family has wanted since moving there in 2012 is to be left along.

Commissioner Hyde reminded Mr. Hellberg that this hearing is to take testimony on the application for a temporary hardship permit.

Mr. Hellberg stated that this is a detriment to him. He has been collecting evidence over the past several years and harassment from the Shobers. He talked about the \$8,000 plus in legal fees over dog issues because of the Shobers.

Commissioner Hyde again asked that Mr. Hellberg keep his testimony relevance to this application.

David moved on stating that Mrs. Shober has verbally harassed him, there has been additional dog issues, target shooting which is threatening, road issues. There have been legal fees because of the frivolous stalking charges, saying his dogs are killing their chickens, gating the road, etc.

Commissioner Heimuller explained once again that the issue at hand is the Temporary Permit for a hardship, not the neighborhood issues. He asked specifically, how is this mobile home structure, that has been there for years, detrimental to him. This hearing has nothing to do with any neighborhood disputes.

David continued, the mobile home overlooks his property and he can't be outside his house without having to hear these people harass them, being called names, etc. He can prove this with recordings if allowed.

Commissioner Fisher asked if this mobile home is a fire danger, siding blown off, sewer leakage, anything that would make this mobile home detrimental to Mr. Hellberg. David cannot say yes to any of that, but the notice he received asked if this permit would be a detriment to the neighbors. He is here because the family that lives there is detrimental to his family.

Linnette Hellberg, 53180 Flint Drive, Scappoose: She wanted to bring up that this temporary hardship permit has been allowed for years. The Ordinance states that a temporary permit can only be allowed for a maximum of 10 years, but it has continually been renewed time and time again. Her husband has already explained how this mobile home is a detriment to them, but the Board didn't want to hear that. She has had to experience some vulgar harassment. She believes that the mobile home is sited too close to the Hellberg's home and that creates the problems. She has not been dealing with this for a couple of days, it's been years. This is not simply a neighborhood dispute, it's a fear for her life. She would never have to deal with this type of harassment in the workplace.

Launa Eyestone, 5216 N. Amherst, Portland: She has listened to both sides of this issue. When the mobile home her daughter (Linnette Hellberg) lives in, it was originally sited facing away from the road. The original owners put it that way for a reason. She thinks this all started with the road issue and the Shober's putting up a "private Road" sign. It's actually a public road. She doesn't understand why the Shober's mobile home has been there so many years. If Marilyn Shober is incapacitated and has such a large home, why can't the Shober's live in the home to take care of Marilyn. Launa stated that, even though she has never been inside the Shober's mobile home, she does know that a home of that age could go up very quickly.

Commissioner Heimuller reminded Ms. Eyestone that testimony be focused on the issues. He noted that even if Bob and Lori Shober lived in the home, they would still be neighbors.

Julie Eyestone, 32400 G Street, Ocean Park, WA: For everything that's gone on over the years with these neighbors, it is a detriment. There is also the fire danger to the neighborhood because of the age of the Shober's mobile home and the condition of the road should the fire trucks need to get up there. As for the need for full time care, it would make more sense for Bob and Lori Shober to move into the house so they could provide Mrs. Shober with 24 hour care.

REBUTTAL:

Robert Shober stated that there was a fire up there in 1962 and the fire department made it up there just fine and the road was in worse shape back then. As for a fire danger, Mr. Hellberg just took down a pile of brush and left in the middle of the pasture. That's a huge concern. The mobile home is in good shape. He put a new deck on it about 10 years ago, there's no brush around the house and removed a dangerous tree. The septic system was approved by the county last year.

With no further testimony coming before the Board, the hearing was closed for deliberation. Commissioner Hyde explained that there is very specific criteria in the

Ordinance with regards to a hardship permit. It is important for all of us to allow independent living for our parents for as long as possible and we should all pursue that if able to. if possible. He understands the mobile home has been there over 10 years but it has been for different family members. It comes down to the criteria for the application, and it has been met. Commissioner Fisher commented on the 37 year long exception for this property and that it has helped generations in this family. As for a detriment, he is not seeing the fire danger, rats, septic issues, anything that would be a detriment. With regards to the neighbor dispute, people should be able to live on their property and walk down the road without being harassed. Commissioner Heimuller added that the law is the law and the criteria is clearly defined. The Hellbergs appealed this application, as is their right and that applies to all of us. Neighbors are neighbors and, if no one moves away, you need to find a way to be good neighbors. If not, we will probably be back here again next year. As for the criteria, he cannot see anything that would be considered a detriment. With that, Commissioner Hyde moved and Commissioner Fisher seconded to tentatively approve the Application of Marilyn Shober for the Renewal of a Temporary Health Hardship Mobile Home Dwelling in the Rural Residential (RR-5) Zone". The motion carried unanimously.

CONSENT AGENDA:

Commissioner Heimuller read the consent agenda in full. With no changes/additions, Commissioner Fisher moved and Commissioner Hyde seconded to approve the consent agenda as follows:

- (A) Ratify the Select to Pay for week of 6/29/15.
- (B) Rescind Order No. 14-2015, "In the Matter of Conveying Certain Real Property Located at 56510 Old Portland Road, St. Helens, Oregon, to Steven Walter Rice [4N1W19-AD-01400]". [Duplicate numbering]
- (C) Approve Order No. 36-2015, "In the Matter of Conveying Certain Real Property Located at 56510 Old Portland Road, St. Helens, Oregon, to Steven Walter Rice [4N1W19-AD-01400]".

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (D) Agreement No. 30741 with the Oregon Department of Transportation Public Transit Division for 5310 Operating Funds.
- (E) Intergovernmental Agreement with Sunset Empire Transit District for Use of a Trolley during the Columbia County Fair and authorize Chair to sign.

- (F) Personal Services Contract with Property Development Services LLC for On-Site Wastewater Consulting Services.
- (G) Amendment #2 to the Intergovernmental Agreement with the City of Columbia City for Work Crew Services.

The motion carried unanimously.

Commissioner Fisher left the meeting to attend a Transit Meeting.

COMMISSIONER HEIMULLER COMMENTS:

Commissioner Heimuller attended the Welcome Home ceremony at the St. Helens Armory for the returning National Guardsman. Over 100 people were in attendance and the guardsman really appreciated the welcome home.

Congratulations to the Scappoose Community Club for the great and successful Summerfest Event last weekend in Scappoose.

Commissioner Heimuller spoke with Chief Tappan about any fireworks ban. At this point, fireworks are not banned but there will be some restrictions. He would ask that everyone use caution and common sense knowing that it is extremely dry throughout the county.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde also commented on the Welcome Home ceremony for our Guardsman. They truly appreciated the public being there to welcome them home.

He and Commissioner Heimuller attended the public officials rollout of BLM's Harvest Management Plan. The plan needs more work but BLM did not grant the hopeful extension to allow for some substantive comments on preferred options.

COMMISSIONER FISHER COMMENTS:

Not present.

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 1st day of July, 2015.

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: _____
Henry Heimuller, Chair

By: _____
Anthony Hyde, Commissioner

By: _____
Jan Greenhalgh
Board Office Administrator

By: _____
Earl Fisher, Commissioner