

**CITY OF SCAPPOOSE  
CITY COUNCIL MEETING  
MAY 17, 2010 AT 7:00 P.M.  
SCAPPOOSE, OREGON**

**Call to Order**

Mayor Burge called the Council meeting to order at 7:00 p.m.

**Flag Salute**

**Roll Call**

The meeting of the City of Scappoose City Council was held at 7:00 p.m. in the Council Chambers; 33568 East Columbia Avenue; Scappoose, Oregon with the following present:

**City Council Members:**

Scott Burge	Mayor
Jeff Bernhard	Council President
Donna Gedlich	Councilor
Judie Ingham	Councilor
Larry P. Meres	Councilor
Art Heerwagen	Councilor

**Staff:**

Jon Hanken	City Manager
Norm Miller	Police Lieutenant
Brian Varricchione	City Planner
Susan Reeves	City Recorder

**Press:**

Cindy Phillips	Legal Council	none
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**Excused:** Councilor Jeff Erickson

**Approval of Agenda**

Council President Bernhard moved and Councilor Ingham seconded the motion to approve the agenda. Motion passed (6-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye and Councilor Heerwagen, aye.

**Public Comments**

None

**Approval of the Consent Agenda**

**May 3, 2010 City Council Meeting minutes**

Council President Bernhard moved and Councilor Ingham seconded the motion to approve the May 3, 2010 City Council meeting minutes. Motion passed (6-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye and Councilor Heerwagen, aye.

**Proclamations**

## **VFW Buddy Poppies Proclamation**

Mayor Burge read the proclamation.

Frank Weber explained he is representing the VFW Post 4362 here in Scappoose. He explained they are here to have a Proclamation for the distribution of Poppies. He explained Larry Newman will be the new Buddy Poppy Chairman. Also present tonight is Richard Burdett and Jerry Peal members of the local VFW Post 4362. All of the VFW Members presented Buddy Poppies to everyone present. Thank you to our Local VFW Post 4362.

## **New Business**

Mayor Burge asked the Council for a motion to move 8.0 and 9.0 to after new business.

Councilor Ingham moved and Council President Bernhard seconded the motion to move 8.0 and 9.0 to after the New Business. Motion passed (6-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye and Councilor Heerwagen, aye.

## **Ordinance No. 810: An Ordinance Amending Municipal Code Chapters 17.142 Home Occupation and Declaring an Emergency**

City Manager Hanken read over the staff report. He explained a while back, the City heard from a resident who wanted to get a business license for conducting firearm sales as a home occupation. This individual ran into a bit of an issue because our municipal code Chapter 17.142.050(H) prohibits the storage and/or sales of fireworks and firearms. He explained this provision is totally inconsistent with Oregon Revised Statutes ORS 166.170 (1) and 166.170 (2). He explained the proposed ordinance corrects this error in our municipal code.

Councilor Ingham moved and Council President Bernhard seconded the motion that City Council approve Ordinance No. 810: An Ordinance Amending Municipal Code Chapter 17.142 Home Occupations and Declaring an Emergency.

Mayor Burge opened the hearing and read the opening statement for the public hearing.

Mayor Burge read the title for the first time. He explained the Council now needs a unanimous vote to move it to second reading because of emergency clause.

Councilor Ingham moved and Council President Bernhard seconded the motion to move it to the second reading. Motion passed (6-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye and Councilor Heerwagen, aye.

Mayor Burge closed the public hearing.

Mayor Burge read the title for the second time.

Motion passed (6-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye and Councilor Heerwagen, aye.

### **Appeal Hearing for Home Occupation Permit HO 10-10 (Starla's Family Home Care)**

Mayor Burge read the opening statement for the public hearing. He asked if any Councilor would like to declare any ex parte contacts or conflicts of interest regarding this matter. Councilor Gedlich explained she has talked to Teresa Keller and she doesn't believe she has any problem voting on this issue. Mayor Burge explained he also has to say ex parte contact with Debbie Reed at the gym but he will not have any problem voting on this matter. No one in the audience wished to challenge any councilor's impartiality or legal capacity to participate in this matter.

Mayor Burge opened the public hearing.

City Planner Brian Varricchione went over the staff report. He explained Starla Gebbie applied for a type II Home Occupation for a residence on Creekview Place and this application is for a hair salon. He explained Type II home occupation permits allow up to six customers per day and they also allow a small sign. He explained the Planning Commission has reviewed the application and they did find it was consistent with the City's rules for home occupation permits and for conditional uses and they approved the application. The final decision was dated April 9, 2010. There was an appeal filed April 22, 2010 and so that is why the matter is in front of the City Council tonight. He explained the stated reasons for the appeal included "Safety of children in area; increased traffic volume; inadequate parking due to Scappoose Creekview Park; neighborhood livability."

City Planner Brian Varricchione explained the role of the Council this evening is to affirm, reverse or modify the Planning Commission's decision. He explained it is at the Council's discretion whether you accept additional testimony or decide the matter on the record.

City Planner Brian Varricchione stated one additional document was submitted; there was an anonymous letter that was distributed this evening.

Councilor Ingham asked City Planner Brian Varricchione regarding page 2 under public and private agencies and public notice. She explained the second bullet point at the end stated no written comments have been received in regards to this application, is that as of April 1, 2010.

City Planner Brian Varricchione replied that is correct. He explained there was one letter that was received on April 5 and that was identified as record item number 2, which is a letter from Loren and Alice Klepper.

Councilor Ingham asked if April 1 was the deadline date to receive comments in writing regarding this application.

City Planner Brian Varricchione replied no the deadline was actually the day before the Planning Commission hearing so the letter received on the 5<sup>th</sup> was within the timeline to accept comments

it was just too late to make the packets. He explained the Planning Commissioners were provided copies at the meeting.

Mayor Burge said at this time we will go ahead and move forward to the applicants. He asked City Planner Brian Varricchione if that would be the applicant of the appeal or the original applicant.

City Planner Brian Varricchione stated he thinks he will defer that to City Attorney Phillips.

City Attorney Phillips stated it probably would be the original applicant still at this point. She asked "It is not in the code?"

Mayor Burge replied it says applicants or appellants so they are the appellants on the appeal so he is wondering would they come up and present their case first.

Councilor Gedlich stated wouldn't it be the applicant on the appeal and then the original applicant comes back and rebuts.

Mayor Burge replied that is why he is asking the attorney.

City Attorney Phillips replied the usual case in court is that the person bearing the burden of proof goes first and then has rebuttal, however this is land use and to be honest she has not looked at this provision in a long, long time. She stated if you probably should be because if there is a potential of somebody calling that as a reversible error then we probably need to look it up. She thanked the Council for bearing with her for a little bit. She explained she has not found any black and white procedure in the code for appeals and so therefore she thinks the process that is most consistent with due process would be for the person or group that has the burden of proof to go first and to have rebuttal at the end and so in this case since your decision is based on an already final decision it would be the appellants would have the burden of proof. She would say the appellants should be the ones that go first.

Mayor Burge asked if there is someone who is taking the lead on the appellants, please step forward and state your name and address for the record.

Loren Klepper, 51880 SW Creekview Place, Scappoose, explained he has a couple of photos that he would like to share with the Council on the street, SW Creekview Place, it is the corner. He explained it is traveled quit a bit and there is congestion in that area and he would like to present the photos to the Council.

Councilor Gedlich asked Loren Klepper in this photograph sir is this going north or south, which end of Creekview is this?

Loren Klepper replied that would be on the south.

Councilor Gedlich stated so this is the opposite corner of where the shop would be located. Loren Klepper replied this would be south to where the shop would be located.

Councilor Gedlich thanked Loren Klepper.

Loren Klepper explained they have lived at this residence since December 5<sup>th</sup> of 1993 and the reason that they chose this area was livability and the quietness of the neighborhood and the friendly people who live there. At that time there were a few small children but now we are starting to get more small children in the neighborhood, which they have no objection to. He stated but with children and people who walk, there are some elderly people and there are some that have handicap disabilities that go out to retrieve their mail and with increased traffic that would be a very dangerous situation and that is one of the reasons we are appealing this decision.

Mayor Burge replied because of more traffic, the traffic flow.

Loren Klepper replied the traffic and safety of the residents that live in the area and people that would be out walking or walking with their pets.

Mayor Burge asked if there are any questions or did you have more.

Loren Klepper replied at the present time he hadn't anything more.

Councilor Heerwagen stated in this picture, this one incident down there is that pretty consistent, is the traffic heavy there already.

Loren Klepper replied it is moderate, at certain times it can be heavy.

Councilor Heerwagen asked what time of the day, when school is out.

Loren Klepper replied in the morning it is fairly heavy, people are leaving for work.

Councilor Heerwagen asked if mid day is pretty quiet.

Loren Klepper replied he would say moderate, he wouldn't say it would be light.

Councilor Heerwagen replied with that type of congestion probably isn't a regular occurrence. He explained he knows right down here on 1<sup>st</sup> Street too on the other side of town there is congestion where cars park.

Loren Klepper replied this is one area where there are cars parked and people that live right on that corner don't have the adequate parking in their driveway to park another vehicle.

Councilor Heerwagen stated and over here there's both residential and business located too and it's right within blocks of the school too.

Loren Klepper replied, yes, I understand.

Councilor Gedlich asked Loren Klepper if he could tell her how many cars a day, he thinks, that go up and down the street on a weekend versus during the week. Loren Klepper replied he is not at home that much during the day, it's hard for him to determine how many it would be.

Councilor Gedlich stated so you don't, there's not really a whole lot of constant traffic.

Loren Klepper replied it is not like Highway 30 but there is traffic on it.

Councilor Gedlich replied it wouldn't be like the street that she lives on where it is SE 5<sup>th</sup> Street going to the schools, it is not like that.

Loren Klepper replied not to his knowledge.

Councilor Gedlich asked if the street is wide enough for parking on both sides, plus going north and south.

Loren Klepper explained there is parking on both sides but when traffic is going north and south and when they meet it is sometimes very difficult to go past, you have to really be careful. He explained sometimes people pull over where there is a vacant spot to let the other oncoming vehicle go through before they proceed through.

Councilor Gedlich asked so if you have guests at your home is it hard to find a place to park.

Loren Klepper replied yes it is.

Councilor Gedlich thanked Loren Klepper.

Council President Bernhard stated to Loren Klepper he is looking at the map associated with the site, your street has maybe 13 homes that is associated with that particular road. The road itself is not a main thoroughfare, it isn't as if you are having traffic from other parts of town going on to that Southwest Creekview Place, is that correct?

Loren Klepper replied yes, it comes off of Southwest 4<sup>th</sup> Street and sweeps around.

Council President Bernhard replied so the only way that that road is impacted is by the current residents that are down there.

Loren Klepper replied the current residents and then if there are people who are coming to visit people who live on that street, or sometimes there might be a delivery truck, a UPS, the garbage truck comes through once a week.

Council President Bernhard replied it isn't like you have SW 4<sup>th</sup>, SW 4<sup>th</sup> connects up to some many other areas of the town or SE 4<sup>th</sup> is the same exact way.

Mayor Burge asked if there are any other questions. He stated thank you very much.

City Attorney Phillips stated she does have one other item that we should perhaps deal with. She explained according to the code Chapter 17.162.300 Appeals of a decision by the Planning Commission to the Council shall be confined to the record of the proceedings unless Council determines the admission of additional evidence is appropriate. She explained she was looking through the record of the Planning Commission and it does not appear from what she can see, we don't have a transcript, but it didn't look like Mr. Klepper testified at the Planning Commission. She stated now he does have standing, under your rules he does have standing, but she thinks perhaps before you consider his testimony you probably ought to decide if additional testimony is indeed appropriate.

Councilor Ingham replied she absolutely agrees that additional information related to this application for the record is important and appropriate.

Councilor Ingham moved and Councilor Gedlich seconded the motion to allow additional testimony.

Council President Bernhard replied he feels the same way. This Council has always set a precedence that anyone who comes in to this Council we normally allow some type of testimony even if it's from a previous meeting, so he completely concurs.

Mayor Burge replied he agrees. He asked if there was any other discussion.

Councilor Gedlich stated she just wants to make a comment. She thinks Mr. Klepper kind of got talked in to testifying because maybe some of the other people didn't want to and he kind of volunteered, good for you. She stated don't be worried, we are here to listen to all of you, so who ever wants to speak up, please do.

Loren Klepper replied he is not.

Motion passed (6-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye and Councilor Heerwagen, aye.

Councilor Gedlich asked if his photos are included at this time.

Councilor Ingham replied yes they are because they are part of his testimony.

Mayor Burge replied it was part of his testimony, it was included.

Councilor Gedlich replied she just wanted to make sure we give them to Brian, because she didn't know if he had them or not.

Mayor Burge asked if there are any other proponents.

Paul Liner introduced himself and then his wife Stephanie and explained they live at 51945 SW Creekview Place, Scappoose.

Councilor Gedlich asked where their house is adjacent from the site.

Paul Liner explained it is across the street and next to the park from the house.

Paul Liner explained he has two issues to bring up. He explained the first is the purpose of the home occupation code. He explained it states "The purpose of this chapter is to permit residents an opportunity to use their homes to engage in small scale business ventures which could not be sustained if it were necessary to lease commercial quarters." He stated he has talked to other hair salons in the area, other hair dressers and she informed him that it cost her \$500.00 to rent her spot and that is a monthly fee for a full time person. He stated as he understands it the person who wants this home occupation permit only wants to work part time and he was told they would work with part time employees where they wouldn't be charged the full \$500.00. He stated to him he feels that even \$500.00 would be sustainable. He stated it would be more wise to do that because he feels that doing construction to convert her garage into a hair salon would be more expensive than it would be to rent out a spot with all the equipment available. He stated the other part of that purpose comes down at the bottom and it says "Residential use of the property and are conducted in a manner that is not detrimental or disruptive in terms of appearance or operation to neighboring properties and residents." He stated living right next to the park parking is a problem. He stated not constantly but there are times of the year, especially spring time and summer time or when it snows a lot of people park and regularly during those times there are residents who park in front of our house so there are already some parking issues going on and with the addition of a salon across the street he thinks it would only compound the problem. He stated the other issue he has is with covenants and restrictions of Kingsbrook neighborhood and the first thing it says in section 2 is land use and building type. It states "No lot shall be used except for residential purposes." He stated to him it is pretty cut and clear this is not a residential purpose this is for a home occupation.

Mayor Burge asked Paul Liner if he has a copy of that covenant, he doesn't think that is in the record.

Paul Liner asked it is not in the record.

City Manager Hanken replied no. He asked City Planner Brian Varricchione if he has a copy.

City Planner Brian Varricchione replied no.

Mayor Burge stated if the covenant is something the City doesn't enforce then he would assume we wouldn't have a copy.

City Manager Hanken replied we don't enforce that at all. He stated that is a civil agreement between the property owners.

Paul Liner stated so how does that get enforced, everyone has to sign them, he is just curious.

Mayor Burge replied the covenants are usually enforced through a civil court action.

Councilor Gedlich asked if the neighborhood has an association board.



Paul Liner replied not that he is aware of.

Councilor Gedlich asked Paul Liner if he signed anything when you bought your home.

Paul Liner replied he did, two years ago when he moved in he signed them.

Council President Bernhard replied that is a very common thing not to have a board under that type of circumstance.

Paul Liner replied he talked to the realtor and she said that every new homeowner should have signed these and it should be on record that they signed them.

Councilor Gedlich asked so when you signed the form it said that you could not have a commercial business at your residence.

Paul Liner explained it just says for residential purposes, it doesn't say no commercial, it just says residential only.

Councilor Gedlich stated thank you.

Mayor Burge stated never even considered that.

Paul Liner replied he is sorry, he wasn't at the first meeting.

Mayor Burge replied we weren't at any of these meetings.

Councilor Ingham stated my question is to all of you who also live in the same area is if any of the rest of you signed such a covenant when you purchased your home. They said yes or shook their head yes.

Councilor Gedlich asked did Starla.

Starla Gebbie replied no she didn't.

Councilor Ingham and Mayor Burge say thank you.

Mayor Burge stated you cited the code, which chapter was that again.

Paul Liner replied 17.142.010 purpose.

Mayor Burge thanked Paul Liner.

Mayor Burge stated next appellant. He stated welcome, please state your name and address for the record.

Debbie Reed explained she and Mark are located at 51971 SW Creekview, Scappoose. She explained they have resided at the residence for 18 years. She explained they too were required to sign the general covenants and restrictions for the Kingsbrook Addition and it does cover the lots, which she has a map, which includes all of our lots in an addition to the lot Starla is proposing her salon on. She explained she does have a copy of the covenant and restrictions which sets the lots. She explained we were all required to sign it which says it is for single family or multi family dwellings only and if you want to change a design or decoration or construction that it had to be approved by the architectural control committee. She stated not sure who that is, if there is one out there. She stated we have all lived under these general covenant and restrictions with how we park our RV's, our boats; they have to be under sheds or something, they can't just be out on the street, they can't be visible.

Mayor Burge stated City code prohibits that.

Debbie Reed stated they can only have it out for 48 hours then it is supposed to be moved. She stated we have all lived under those and they have lived under those for 18 years. She explained her other issue is the park. She stated she has, in addition to Stephanie and Paul, have called the police at least four times. She explained they have had three arrests out there, they have drugs, they have people having sex on the picnic table out there and it comes down to parking issues; they drive in they park wherever they feel like parking and this establishment that she proposes is directly across the street. She stated we are already having problems with parking. She stated in front of Starla's there is a fire hydrant so she is really limited to the number of parking places in front of her establishment. She has already got a fire hydrant there. She stated the third would be again, she brought up at the Planning Commission, is she has not made any allocations for somebody with disabilities which you are required to have a designated parking spot for somebody that is disable. She stated she brought that up and was told that it wasn't required and if you look up the building code of Oregon and the America with Disability Act she is required to have a designated parking spot for somebody who is disabled and a ramp or a handle to go up in to her business. She stated she brought that up that that was not addressed in her original application.

Mayor Burge asked if there are any questions.

Debbie Reed stated she does have the map which shows her house which is under the covenants and restrictions and it does set out lot where there house is.

Councilor Meres stated he has one question Mr. Mayor is you keep talking about this park, where is this park.

Mayor Burge replied the park is.

Debbie Reed stated Creekview, you can see it on the map.

Council Meres stated it is a City owned park.

Mayor Burge replied yes.

Councilor Gedlich stated she has a question for Lieutenant Miller.

Mayor Burge asked if it was related to this application or can it wait until the end.

Councilor Gedlich replied yes, but she can wait.

Mayor Burge stated until Council comments because if it is not about the application itself.

Councilor Gedlich stated she will wait, thank you.

Mayor Burge replied while it is a concern any question to Sergeant Miller probably isn't really germane to the issue here. He knows what the questions are and he knows because he knows that Debbie Reed and Teresa have been before Council discussing the issues of the park and so there has been conversation on that in the past.

Councilor Heerwagen asked Debbie Reed you did say she does need handicap parking.

Debbie Reed replied there has to be a designated spot that is for disabled, every business after 1993.

Mayor Burge thanked Debbie Reed. He asked if there are any other questions.

Councilor Ingham asked City Planner Brian Varricchione is the disability parking spot and ramp required for a Type II Home Occupation business.

City Planner Brian Varricchione replied according to the Building Official it is not required for a home occupation. He stated this is a question that has come up several times as various home owners start their own little businesses and he said there are exemptions if the business is out of the home.

Councilor Ingham replied and who is he.

City Planner Brian Varricchione replied Mr. Don Sallee.

Councilor Ingham replied okay, thank you.

Mayor Burge replied thank you very much Debbie.

Councilor Gedlich stated she thinks she would like have our City Attorney to clarify that because she kind of has a concern because if there isn't adequate access of somebody handicapped, how do they (Mayor Burge interrupted her and said).

Mayor Burge stated why don't we write down the question and when we are in Council considerations that we be a question that needs to be asked.

City Attorney Phillips replied she is not sure it is something you can consider because under your rules you are limited to what was brought up in the notice of appeal.

Councilor Ingham replied that was not, Mayor Burge replied that was not and Councilor Gedlich stated that was not.

Mayor Burge replied okay.

City Attorney Phillips replied and neither were the CC& R's.

Councilor Gedlich replied thank you.

Mayor Burge replied okay.

Councilor Ingham replied thank you.

Mayor Burge replied thank you. He stated next appellant.

Teresa & Tim Keller, 51881 SW Creekview Place, Scappoose. Teresa Keller stated one thing they want to say first is that they did not receive any notification about any of this. They found out from the neighbors so they did not file a letter. She explained she put in a couple of calls to Brian. She stated you said you only had one letter about this issue by the deadline but she put in two calls to Brian and finally made contact with him before the deadline.

Councilor Gedlich asked Teresa Keller where is her house at from the site.

Teresa Keller replied three houses down across the street.

Tim Keller explained his thought is he has nothing against business coming in to Scappoose but as he goes down Highway 30 he sees a lot of businesses that are closing down and he doesn't understand why we would not want to support somebody going in to a business that is already established that has vacancy and there are vacancies in a lot of the hair salons already established in town and working there and supporting to keep that business going and not undercutting by trying to operate out of your house. He stated it is just the economic time it is not good for this City to see businesses closing.

Mayor Burge replied he agrees with that. He stated the economy is just horrible.

Tim Keller replied yes it is, it is real bad.

Teresa Keller explained we have little kids that live in the neighborhood and they have darted out in the street and this is one of the concerns that we brought up and she knows that the comment made by Ms. Gebbie was that well then we need keep control of our kids and our pets. She stated well how in the world when you have a year and a half year old child and they break lose and run out in the street and somebody coming around the corner there, it can be a dangerous and that is down at the other end from us.

Mayor Burge asked any questions Council.

The Council had no other questions.

Mayor Burge stated thank you very much Teresa.

Tim Keller stated he just had one further thought she is only about 3 blocks away from the Senior Citizen Center and she stated, he believes, that she was going to cutting hair mainly for elderly people and that would be a place that would be accessibly, plenty of parking. He stated if it is a benefit to the seniors there is a way to do it. He stated it is just an option that is out there.

Teresa Keller replied actually it is not even 3 blocks; it is just around the corner, pretty much.

Mayor Burge stated thank you very much. He asked if there were any more appellants. He explained please step forward and state your name and address for the record.

Paul Barstow, 51894 SW Creekview Place, Scappoose, stated first of all he would like to thank Council for allowing him to speak. He explained a lot of the points that were addressed tonight were addressed at our first meeting. He explained he kind of wants to say the same thing he did before his main concern is safety of course. He explained he has a one and a half year old boy and a brand new infant at home right now. He explained part of the decision that they made when they moved here 5 years ago was to find a nice quiet neighborhood that they could live at. He explained they moved out of Portland to raise their family and they drove down the street on Creekview and that is exactly what they saw; quiet residential neighborhood. There were no signs, no businesses. He stated certainly if there was it would not been that attractive to them and they certainly would have been looking somewhere else, but they have been 100% very happy with everyone on the street, everyone is extremely friendly. He stated this has been a wonderful place to live and this has happened and he guesses he doesn't understand. He explained he understands where they have laws set up and we want to support small businesses. He explained he runs a small business himself but he doesn't understand why we would want something like this brought in to their quiet residential neighborhood like they have. He stated it upsets him and obviously it is upsetting everyone else in the neighborhood. He stated he thinks there is enough voice and enough opinions that will be made tonight and already have been made opposing this and again it confuses him why a law like this was originally set when it upsets everyone in the neighborhood to make one persons small business and one person is hoping to start something while it upsets everyone else and again to readdress what he just said; his main point is not about having someone a small business supporting themselves it is about jeopardizing potentially the safety of our neighborhood and like Loren said earlier the well living of their neighborhood, the livability of their neighborhood and it does concern him. He stated that is all he has unless Council has any questions.

Mayor Burge asked Council if they have any questions.

Councilor Ingham asked Paul Barstow where is he located in relationship.

Paul Barstow replied he is two doors down on the same side.

Mayor Burge asked north or south.

Paul Barstow replied south. He stated the park is across the street from him and his one and a half year old boy loves to run across the street to the park and unfortunately going forward with increased traffic and traffic of course of people who don't live in that neighborhood and don't know where he lives and all of his neighbors know where he lives and he does have this one and a half year old boy and he does think a one and a half year old boy should be able to walk across with his father or so and he doesn't want to be worry about people flying around the corner that don't know the neighborhood that don't know how quiet it is and this traffic will increase obviously.

Councilor Gedlich asked how long have you resided in that location.

Paul Barstow replied 5 years.

Councilor Heerwagen stated a little contentious here, Mr. Klepper testified that you have a tremendous amount of traffic down there already, it is already congested and difficult because of existing traffic and Paul Barstow is telling Council you have a quiet residential area.

Paul Barstow stated let me explain maybe, it is a small street, someone asked if two way traffic could get by, he doesn't know if anyone has been down Creekview that would be impossible. He stated there are always cars parked on street. He stated so when they do have traffic coming down it is generally the people who live on that street, it is people who are going to visit the park. He stated you can't have all of the sudden lots of extra additional traffic on a quiet narrow oval, almost in shape, street it is not a big main road and he thinks introducing a business would obviously increase that problem.

Councilor Heerwagen stated you are going to add maybe five or six cars a day.

Paul Barstow replied right going each way is ten additional cars, ten or twelve additional cars.

Councilor Gedlich asked the traffic going to the park on a nice day or a snowy day, how cars are you talking about.

Paul Barstow replied he can't accurately say. He thinks it is a better question for somebody else; he works 65 hours a hours a week.

Councilor Gedlich asked do you think six, would six be an adequate number.

Paul Barstow replied again he kind of makes a generalization here, it could be two it could be ten. He feels it would be a better question for someone else who has been in the neighborhood longer and again he works every night until 8:30.

Councilor Gedlich replied she thinks we are kind of concerned about a little bit is the impact of six customers a day during the day.

Paul Barstow replied right.

Councilor Gedlich stated not six at one time.

Paul Barstow replied right.

Councilor Gedlich replied so she is not quite sure what one vehicle would do as opposed to going to a beauty shop and or to a park.

Paul Barstow stated he will try to answer that the best he can. He stated where the house is and they already mentioned limited parking, the car most likely will be on the street, that one or two cars, if someone is waiting, now you have two cars that are coming around the corner take a wider loop less visibility coming around the corner as his one and a half year old walks out in the street. He stated one extra car or two extra cars for him is too much and again as his main point was they chose this neighborhood based on the way it appeared at that time. He stated things are now changing and frankly it wouldn't be a neighborhood he would choose today once he will come down the street and see a sign for a business and people parking and going in and out of the business. He stated he asks many of them on the Council how would you feel in your neighborhood if someone moved in right next door with a sign and a hair salon or any potential neighborhood you think of moving to if you saw that would it change your mind possibly wanting to move there, he thinks it would.

Councilor Meres asked can you tell him from the looks of that picture what the size of that road is. He stated it looks like actually it is one of our better roads in the width and it has curb and sidewalks. He stated from the picture it looked like two cars were able to go through even with two cars parked on the side.

Councilor Gedlich stated it was 60 feet.

Councilor Gedlich stated you can she did it.

Paul Barstow replied he doesn't think so. He stated you said 60 feet it says in measures.

Councilor Gedlich replied she thinks it is 60 feet.

City Planner Brian Varricchione said he doesn't know.

Councilor Heerwagen asked if it is wider than 1<sup>st</sup> Street over here or about the same.

Paul Barstow replied remind him, sorry, 1<sup>st</sup> Street is.

Councilor Heerwagen replied 1<sup>st</sup> behind the other side of Highway 30.

Mayor Burge replied behind the gas station on the other side of the highway.

Paul Barstow replied he doesn't think so, it is a narrow street.

Councilor Ingham stated she doesn't think it is any different than most residential streets in the City of Scappoose. She stated over in the new development back behind the high school if you have a car parked on both sides of the street it is hard for two cars to go this way and that way so your street is typical of the layout of the City, pretty much.

Mayor Burge asked if there are any other questions.

Paul Barstow replied no.

Mayor Burge thanked him.

Paul Barstow thanked the Mayor.

Mayor Burge asked if there are any other appellants, any one else. He stated thank you very much.

End of appellants ~ 7:55 p.m.

Mayor Burge replied now it would be the opponents, which would be the original applicant. He asked them to please step forward and state their name and address for the record.

Starla Gebbie explained the home that she purchased is on 51916 SW Creekview Place and she was really excited about moving in there but it seems like she is she doesn't know. She wants to have her salon in her home, she feel she has the right to do so. She stated there will not be any impact of traffic because she has plenty of parking off street. She stated she knows there is a fire hydrant there. She stated she can only do one person at a time and it is something that she wants to do and she thinks she should be able to. She explained she has a home business now as it is in the County. She explained she used to own a salon for many many years and then she had to take care of her husband and he passed away and then she was a caregiver for her mother and she passed away and she still has her grandson who has special needs which he does go to school full time but things happen, things change. She explained she does get called to come get him, there are different things that happen and she needs to be with him and she figured this would be a good way for her to be able to take care of that. She explained she applied for this application because she wants to legal. She stated she doesn't want to do things that are not proper and she really doesn't know what else to say.

Council President Bernhard stated to Ms. Gebbie he knows that she testified in front of the Planning Commission about the amount of clientele you expect to have, he asked if she would please go back over one more time with us.

Starla Gebbie asked how much she expects to have.

Council President Bernhard replied yes.



Starla Gebbie replied at this present time she doesn't do very many at all but if she was to work on any given day there could be, hopefully, up to five or six clients if she should choose to do so in one day.

Council President Bernhard asked her if she minds if he asks her in 2009 how many hair appointments she did during that time, approximately.

Starla Gebbie replied in 2009 it would be very scarce because she wasn't able to work very much but when she did she has like four standing per week at this point.

Council President Bernhard replied four clients per week.

Starla Gebbie replied four clients per week that are standing and the rest that she does are intermittently a hair color, a hair cut, or a perm, which doesn't happen but every three months or six weeks or in that neighborhood.

Council President Bernhard asked how large would you say your book of business is at this time.

Starla Gebbie replied not very large, she explained she just said what she does now is very little.

Council President Bernhard replied he guesses that is the point that he is trying to get to is and he is trying to confirm with facts that per book of business.

Starla Gebbie stated she doesn't advertise. She stated she doesn't intend to do anything really major. She stated she would like to have a little more business because now she is able to and she doesn't feel that five or six clients a day should be a real problem.

Council President Bernhard replied five or six clients a day though would be 300% or 400% increase in your business what you currently have right now.

Starla Gebbie replied probably.

Council President Bernhard replied thank you.

Councilor Gedlich asked Starla Gebbie when she had her shop she worked five days a week and she had clients from morning to night.

Starla Gebbie replied not really.

Councilor Gedlich asked her how many days did she work.

Starla Gebbie replied three. She stated years ago she worked also, when she first got started she worked six days a week, she had two children to raise.

Councilor Gedlich replied she is talking two or three years ago.

Starla Gebbie replied two or three years ago she has been a Wednesdays, Thursdays and Fridays and she owned the salon.

Councilor Ingham asked with the salon that she is proposing is she just going to be open just certain days.

Starla Gebbie replied that is a possibility, right now she only works Wednesday and Fridays.

Councilor Gedlich stated with your special needs grandson, she has got to throw this out because she made the comment that she might have to leave and go get him, if she has a client what will you do.

Starla Gebbie replied in a situation like this first of all the school is very close. She stated second of all the clients she has all know about her grandson. She stated in this kind of a clientele you have the ability to make your own hours. She stated you have the ability to tell someone what you are going to do. She stated she is not going to have a free in and out kind of a situation where she is even going to have to be a bit concerned about someone just walking in.

Councilor Gedlich stated no, she means if you had to leave and you have a client what would you do.

Starla Gebbie replied she would say she would be right back if that was the case because she knows the people that she does. She stated it is no different than if she had company.

Councilor Gedlich stated so if you had clientele say two or three years ago that you don't right now but you are hoping to get you could be talking more than six a day.

Starla Gebbie replied no, she doesn't want to work that hard, she is basically retired and in a year and a half she won't have to work at all but she wants to if she wants to.

Councilor Gedlich stated so this is just a temporary business.

Starla Gebbie replied she will not say that because she wants to have the freedom to do hair in her home for as long as she can in a small capacity, with no employees, just herself doing what she can do, that's it.

Councilor Gedlich asked her if she has thought about working in another salon just part-time.

Starla Gebbie replied she doesn't want to do that anymore. She has done that all her life and she has owned a business for many many years, a couple of them or managed and at this time her in life she likes to do just do things, take one little deal at a time and to her own thing. She stated it is expensive to work out of the home.

Councilor Gedlich asked her when she lived outside of town did she have her shop there.

Starla Gebbie asked where, where I live now?

Councilor Gedlich replied right.

Starla Gebbie replied yes she does, she has it right there on Freeman Road, she already paid her couple thousand dollars and went through the same stuff but yes she has her “Starla’s Family Hair Care” right now.

Councilor Gedlich asked if she has a lot of restrictions.

Starla Gebbie replied nope, some, meaning like she can only have a certain amount of sign, very similar to what it is here. She stated it isn’t anything major by any means.

Councilor Gedlich stated and you didn’t have to sign a document for covenants or conditions or anything.

Starla Gebbie replied no.

Councilor Ingham stated to Starla Gebbie thank you for coming. She stated her question to Starla Gebbie is on a daily basis, whether she works Monday, Tuesday, Wednesday, Tuesday, Wednesday, Thursday, take Thursday off it doesn’t make any difference to her. She stated you choose the days you want to be open, it will be your business but what hours on a daily basis are you planning to be open. She asked are you planning to have a regular schedule of opening and closing.

Starla Gebbie replied she would probably do her first client at 9:00 a.m. unless there a reason, somebody need to be somewhere, maybe she would do them a little earlier if somebody asked her to and she would probably be done by around 4:00 p.m. She stated but if she is doing a perm that just might work in to being another hour or so after that or whatever.

Councilor Ingham replied so most of your clientele would be during the morning and early afternoon when the children are in school.

Starla Gebbie replied exactly, unless she picks up a client or two once in a while, maybe she will open up at noon and she might do somebody at 6:00 p.m.

Councilor Ingham asked what about weekends.

Starla Gebbie replied nope.

Councilor Ingham stated so you will be closed on weekends.

Starla Gebbie replied yes.

Councilor Ingham replied so it is just Monday through Friday at the max.

Starla Gebbie replied she would say yes.

Councilor Ingham stated early to mid afternoon.

Starla Gebbie replied exactly.

Councilor Ingham replied okay, thank you.

Mayor Burge asked any other questions.

Mayor Burge asked Starla Gebbie asked if she currently has a sign where her business is residing.

Starla Gebbie replied no.

Mayor Burge so there is no sign there, did you have intention of placing a sign.

Starla Gebbie replied she did but after selling the place she didn't and her people know her anyway.

Mayor Burge replied he meant on the Creekview Place.

Starla Gebbie replied no, there is no sign there.

Mayor Burge asked is she was intending to.

Starla Gebbie replied yes she will, she will put a little sign.

Councilor Ingham stated regarding parking you obviously have two parking spaces and your comment was that you have plenty of off street parking so she just wanted to verify.

Starla Gebbie replied she does.

Councilor Ingham asked if she has parking (she was pointing to the picture in the packet) and two spaces here, plus your driveway two spaces.

Starla Gebbie replied yes.

Councilor Ingham asked Starla Gebbie if her business is in her garage.

Starla Gebbie replied yes.

Councilor Ingham asked Starla Gebbie how many vehicles does she own.

Starla Gebbie stated right now she has her little car, a pickup and a motorhome. The motorhome is going on one side of the house, there is already a strip for it there behind the fence.

Councilor Ingham asked Starla Gebbie so you will have how many spaces on a regular basis off street.

Starla Gebbie stated at least three.

Councilor Ingham thanked Starla Gebbie.

Mayor Burge stated to Starla Gebbie thank you very much.

Councilor Heerwagen stated to Starla Gebbie how often would you have three cars parked there at once.

Starla Gebbie replied she doesn't have any children that would coming home all the time.

Councilor Heerwagen replied he means clients using your extra parking.

Starla Gebbie replied okay, it probably would only be one or two, if one was coming before one left.

Councilor Heerwagen stated maybe two at once would be.

Starla Gebbie replied would be the max, she is sure, unless she had company. She asked if she is still allowed to have friends over.

Councilor Heerwagen replied as long as you don't do their hair.

Starla Gebbie replied she guesses.

Councilor Ingham stated she was in the neighborhood a couple of times today and spent some time there, you do have a fire hydrant in the front of your house.

Starla Gebbie replied yes, she knows that.

Councilor Ingham replied so that restricts a little bit of the parking in the front of her home. She asked would you say you would have adequate room for one car parked on the street.

Starla Gebbie replied sure.

Councilor Ingham stated two at the max, if you needed it.

Starla Gebbie replied probably if she needed it.

Councilor Ingham replied okay, thank you.

Mayor Burge stated thank you, any other questions. He stated seeing none, thank you very much.

Mayor Burge stated okay, moving on to any other opponents. He stated please step forward and say your name and address for the record.

Alta Lynch, 32961 Scappoose –Vernonia Hwy, Scappoose, explained she also has property at 51403 SW Old Portland Road in Scappoose. She stated she is just going to address some of the things that read through on the minutes and the testimony but she wants to address this first: at the south end of the street it is more narrow than it is at the end where Starla is. She explained she spent a lot of time in the neighborhood too and so she is just going to take it from there.

She read her letter that she submitted. (below is a scanned copy of what she read)

City of Scappoose  
Scappoose City Council

RE: APPEAL HEARING FOR HOME OCCUPATION PERMIT H010-10 (STAR LA'S FAMILY HAIR CARE")

HAVING READ THE STAFF REPORT AND THE MINUTES AND TESTIMONY GIVEN AT THE PLANNING COMMISSION HEARING HELD ON APRIL 10<sup>TH</sup> FOR THE ABOVE MENTIONED, I WOULD LIKE THE OPPORTUNITY TO ADDRESS A FEW OF THE ISSUES:

FIRST AND FOREMOST IT IS MY UNDERSTANDING THAT THE APPLICANT IS LIMITED TO 6 CUSTOMERS PER DAY.

PAUL BARSTOW STATES HE HAS A ONE AND A HALF YEAR OLD SON AND ANOTHER CHILD ON THE WAY. THEY GO TO THE PARK ALMOST DAILY, OR THE NANNY TAKES HIM THERE DAILY. "WHEN LET OUT OF THE HOUSE HE GOES STRAIGHT TO THE PARK." HIS MAIN CONCERN IS HIS CHILDRENS SAFETY. I WOULD SUGGEST THAT PERHAPS ONE OF THE BEST THINGS HE COULD DO FOR HIS CHILDRENS SAFETY IS TO NOT LET THEM "RUN OUT OF THE HOUSE AND DART INTO THE STREET TO GET TO THE PARK" THIS WOULD BENEFIT HIS CHILDREN THROUGHOUT THEIR LIVES.

DEBBIE REED STATED THAT THE PARKING FOR THE PARK TAKES UP A MAJORITY OF THE STREET PARKING. SHE TOO STATES THAT THERE ARE YOUNG KIDS WHOSE PARENTS AREN'T ALWAYS OUT THERE WHEN THEY DART OVER TO THE PARK. AGAIN TEACHING YOUR CHILDREN TO LOOK BEFORE THEY DART OUT INTO ANY STREET COULD SAVE A LOT OF HEARTACHE IN THE FUTURE.

TIM KELLER STATED THERE ARE BUSINESSES THAT ARE GOING BROKE, AND THERE IS A LOT OF HIGHWAY FRONTAGE. PERHAPS ONE SHOULD CONSIDER THEY ARE GOING BROKE BECAUSE OF THE OVERHEAD INVOLVED. IT WAS BROUGHT TO MY ATTENTION THAT THE PORT OF ST. HELENS IS INVOLVED IN NEGOTIATING RENT DEFERALS WITH

SOME COMPANIES SO THAT THEY CAN MAKE IT THOUGH THE DIFFICULT TIMES WE ARE IN. (At the meeting she stated \$500.00 a month to him might not seem like a lot but you are looking at \$6,000.00 over a years time and that is a lot of money)

TERESA KELLER STATED THAT AT ONE POINT THE RESIDENTS OF THE NEIGHBORHOOD WERE YELLING AT CARS TO SLOW DOWN, AND EVEN THOUGHT THEY TOOK GARDEN HOSES TO CARS DRIVING THRU, TO TRY AND STOP THE TRAFFIC.

ANNETE McCoy SATED THERE WERE NO RV'S ON THE ROAD. WELL THERE SURE WAS ONE BIG BOAT HOOKED UP TO A VEHICLE. I BELIEVE THAT WAS ON SATURDAY. SHE STATED THAT STARLA ONLY HAS 2 PARKING SPACES BY THE GARAGE. SHE STATED THAT THERE IS PARKING SPACES AVAILABLE ON THE "GRASS/GRAVEL" BUT IT WOULD BREAK DOWN THE SIDEWALK IF ONE WERE TO USE THAT. I BELIEVE IF YOU GO OUT AND LOOK, YOU WILL SEE THAT THE SIDEWALKS THROUGHOUT THAT NEIGHBORD HAVE A "SLANT TO THE SIDEWALK" THUS PREVENTING THE BREAKDOWN OF THE SIDEWALK. I'M SURE THE ONE OR TWO VEHICLES PARKED TEMPORARILY FOR A HAIR APPOINTMENT WOULD BE NO MORE DISTRACTING THAN ALL THE VEHICLES PARKED DOWN AT THE KELLERS RESIDENCE ON THIS PAST FRIDAY, LET'S SEE THERE WAS A JEEP WITH A TRAILER ATTACHED, ANOTHER JEEP IN THE DRIVEWAY AND APT CRUISER, NOT INCLUDING THE 2 VW BUSES AND CAR PARKED IN THEIR SIDE YARD. ARE ALL THESE VEHICLES PERMANENT OR JUST VISITING?

STEPHANIE LINER APPEARS TO HAVE MORE ISSUES WITH THE PARK AND THE PROBLEMS IT CREATES.

IT APPEARS THAT THE TESTIMONY CONFLICTS ITSELF, AT ONE POINT "IT'S A QUITE NEIGHBORHOOD" WITH LITTLE OR NO TRAFFIC, AND THEN *IT'S* ABOUT TRAFFICE FLYING THOUGH. IT'S ABOUT PEOPLE WALKING TO THE PARK.

PEOPLE HAVE THAT SAME PROBLEM ON THE SCAPPOOSE VERNONIA HIGHWAY - TALK ABOUT PEOPLE FLYING DOWN THE ROAD. THEN THERE IS THE CROWN ZELLERBACH TRAIL WHICH A NUMBER OF THE PEOPLE PROTESTED, BUT WAS APPROVED ANYWAY, AND IN SOME CASES IT GOES SO CLOSE TO HOMES THAT THERE REALLY IS A DISTURBANCE AND PRIVACY INVASION.

ONE LAST THING THAT I WOULD POINT OUT ON THE "PARK" IT APPEARS THAT THE RESIDENTS USE THE PARK AS AN "OFF LEASH" DOG PARK. I DID NOT SEE ONE PERSON PICKING UP THE WASTE.

THIS COULD BE HARMFUL TO CHILDREN PLAYING IN THE PARK.

I DID GO VISIT THE NEIGHBORHOOD TO VERIFY DIFFERENT ASPECTS OF THE OPPOSITON AND EVEN THAT OF THE APPLICANT.

I WOULD HAVE TO SAY THAT FROM READING THE TESTIMONY THE RESIDENTS ARE PREJUDGING STARLA ON THEIR EXISTING PROBLEMS. ONE MUST UNDERSTAND THAT STARLA THOUGHT SHE WAS DOING THE RIGHT THING BY ASKING THE PLANNING DEPARTMENT IF SHE COULD HAVE A BUSINESS OF HER TYPE IN THE HOME. THIS IS A MISTAKE A LOT OF PEOPLE MAKE, BOTH IN THE CITY AND THE COUNTY, BECAUSE THE DEVELOPMENT SERVICE DEPARTMENTS SOMETIMES FAIL TO ADD "IF YOU AREN'T APPEALED AND THEN DENIED" TO THEIR PREVIOUS STATEMENTS.

I BELIEVE HAD STARLA ANY INCLINATION OF THE HOSTILE RESPONSE, FIRST SHE WOULD HAVE GONE TO HER NEIGHBORS AND ASKED THEM RATHER THAN ZONING IF THIS COULD BE DONE. SECOND, SHE PROBABLY WOULD NOT HAVE PURCHASED HER HOME IN SAID AREA.

A LOT OF US HAS THAT "NIMBY" ATTITUDE, BUT ARE MORE THAN WILLING TO TAKE OURSELVES AND BUSINESS INTO SOMEONE ELSE'S NEIGHBORHOOD.

IT'S A PRETTY FAIR BET THAT WITH OR WITHOUT STARLA BEING GRANTED APPROVAL, THERE WILL BE NO "WELCOME WAGON" GREETING HER!

Alta Lynch stated that is all she has to say.

Mayor Burge stated thank you, any questions. He asked if there are any other opponents. He stated seeing none rebuttal by the appellant.

Teresa Keller replied we had a jeep with a trailer out front because they were having carpeting replaced throughout the house. They had to move everything out to storage units so a couple times over the weekend they hooked it up and hauled things to the storage unit. She stated so yes it was out front. She stated she doesn't know how she is going to get stuff to the storage unit if she doesn't use a trailer. She stated Starla never once came and introduced herself to anyone of us. She explained she did inquire after the planning committee met, wanted to know our names and addresses, has never once come and introduced herself to us. She explained the first time we heard about this was the neighbors saying "hey we got this letter", you know we don't know anything about it. She stated if she would have come and talked to us maybe and said hey this is my plans would you people be willing, would you people be okay with this. She stated she never met the woman until she came to the meeting that time. She stated if you have a sign in your front yard saying you have a business you are going to have walk-ins, you are going to have more than six customers a day. She asked how do we know who are customers and who are family. She stated we could sit there and take pictures and we could come back and say okay she has violated there has been more people; she could say well that is family or friends. She stated how do we know, how can we prove different. She stated we have observed multiple people going there lately, more than just her or her grandson and her grandson is in school all day long. She stated he will be going in to high school. She stated a lot of people get calls their kids need, the school needs to have a parent come to the school because there is a problem and they have to leave their job. She stated we had to do it when our kids were growing up. This is not abnormal behavior for teenagers so that is what she has to say about it.



Mayor Burge and Councilor Gedlich stated thank you.

Debbie Reed stated a couple of things since she thinks they have lived there the longest, it is a very friendly neighborhood and that is what is so nice about it is the livability and the fact that we know everybody. She stated her issue and a lot of us in there were never given notice. She stated we were another family and they are four houses away that was never given notice of this proceeding, she learned the night before the Planning Commission hearing at 9:00 p.m. from the neighbor about this. She stated so it starts back to there, they knew nothing about it and she thinks had they gotten notice and again maybe had her approach us about it. She explained what they have tried to do as the applicants that appealed this we are not making it personal. She stated the last lady that testified as she understood it had to be people that were part of the original hearing and that lady was not.

Mayor Burge replied we did reopen it up.

Debbie Reed stated to make it personal, she thinks they have tried to avoid that. She stated we welcome any new people in to the cul-de-sac but we have already issues with parking, we have the park that was just thrown in. She stated she doesn't know who made the decision to make it a park and it abuts all the backsides of our so they are having issues with that, they are having issues with the parking. She stated this business would be right across the street from that and yes she is saying that she should be allowed to have a business and that is her right but it is also our rights as owners who signed the covenants and restrictions that we would only have a multi family or single family home and that is what they have all enjoyed. She is taking that from them and from all of those who have young kids that like to run to the park and they should be allowed to run to the park, ya know and she is one of those who have the dog and she picks up her poop. That is all she has to say.

Mayor Burge stated thank you very much. He asked City Planner Brian Varricchione for his response.

City Planner Brian Varricchione replied well you have heard a lot of testimony this evening and he guesses all he will add is just a recap that it is the Council's decision to interpret whether the application complied with the land use code specifically with respect to home occupation permits and conditional uses.

Mayor Burge explained now it is questions by Council.

Councilor Heerwagen stated he has a question for Starla is that okay.

Mayor Burge replied yes.

Councilor Heerwagen asked Starla hypothetically speaking her application that was approved by the Planning Commission was denied tonight by the City Council what would she then do to make a living for yourself. He asked would you try to find an existing business or what would you do.

Starla Gebbie replied she doesn't know this is her living and if it get denied there is nothing she can do about that she guesses. She doesn't know what else to tell him.

Councilor Heerwagen stated there was some opposition to a sign being placed there because it would increase walk in traffic he asked Starla if she would not put up a sign, if given that requirement.

Starla Gebbie replied she would like to put up a sign.

Councilor Heerwagen replied so you would put up a sign.

Starla Gebbie replied she would like to if she could. She stated if you say no then she guesses she wouldn't.

Councilor Gedlich asked Starla if she is employed right now.

Starla Gebbie replied she is self employed right now.

Councilor Gedlich stated but you are not working outside your home.

Starla Gebbie replied no she works in her home.

Councilor Gedlich stated to Lt. Miller we have heard testimony this evening and from the minutes about the residences in Creekview about activity in the neighborhood. She asked how often do they patrol down there.

Lt. Miller replied it is patrolled every day.

Councilor Gedlich asked so you do the drive bys.

Lt. Miller replied yes.

Councilor Gedlich asked if the officers get out and walk the park.

Lt. Miller replied depending on the night or the day. He explained when the summer months start coming they do a lot more of walking the park. He stated they do it every day.

Councilor Gedlich asked if they have a lot of the same complaints. She stated when the neighbors complain are most of the complaints all about traffic and or noise.

Lt. Miller replied there isn't any general, they have traffic problems obviously because of 4<sup>th</sup> Street being there, there are major traffic problem and then heading to the back side of that, Creekside there and the people going to the park like what Debbie brought up.

Councilor Gedlich she stated she noticed on the map the street a lot narrower to the south. She asked Lt. Miller what would happen if all of the traffic were going one direction, if it was a one

way street, where everyone either had to go north and or south rather than both directions. She asked would that eliminate some of the congestion and the worries about the safety if everybody is going the same direction.

Lt. Miller replied then you would have a one way street in a residential area which is very difficult. He explained people are driving down back streets and then they run into this with a one way street by Longfellow's they don't pay attention to a sign and then they are going the wrong direction now we have a problem with people going head on within each other. He stated with that in residential area he would be more concerned if it was a one way.

Councilor Gedlich stated thank you.

Mayor Burge asked City Planner Brian Varricchione when siting any business in general when we look at parking what are we able to consider and not consider. He asked do we consider on street parking, he knows in the downtown overlay we do, do we consider on street parking everywhere.

City Planner Brian Varricchione replied no the City does not actually consider on street parking anywhere. He explained with respect to the downtown overlay there is a reduction, it is kind of inherent in there, there is a reduction that is allowed in recognition of the fact that there is on street parking but it is not counted or tallied in any way.

Mayor Burge asked what about the gravel portion, we don't count gravel.

City Planner Brian Varricchione replied well if this were a commercial site the parking would be required to be paved.

Mayor Burge replied okay, because this is not a commercial site it wouldn't be required.

City Planner Brian Varricchione replied correct.

Mayor Burge replied okay. He stated the parking seems to be the biggest issue of discussion which is parking and traffic safety and whether or not the number of vehicles would create an increased hazard or what not so he wanted to clarify that. He stated thank you.

Councilor Gedlich replied just an additional question from the photograph that we are seeing where they area is graveled, if you don't count that normally does that mean there is not enough places to park because it sounds like Starla was telling us that that is where her customers would park, would be in half of her driveway and in the gravel area. She stated isn't that right Starla, is that what she said.

Starla Gebbie replied there is room for four cars, two on the pavement area and two in the gravel area.

Councilor Gedlich replied to Starla Gebbie that she wasn't really talking about on street parking, you were talking about what you have available.

Starla Gebbie replied no she wasn't, it won't be on the street, but they could there are still some places for them to park. She stated they could go down the street and park in front of wherever they wanted to park.

Councilor Heerwagen asked Starla Gebbie have you been currently conducting your Salon business from the home.

Starla Gebbie replied at that house no, she is not even moved in yet.

Councilor Ingham asked speaking with all of you who live in the area, how many cars do you own? Paul & Stephanie Liner replied three. Councilor Ingham asked where are they parked, all in your driveway. Stephanie Liner replied two in her driveway and one on their property on the side. Councilor Ingham asked if it was a graveled area or lawn area. Stephanie Liner replied yes.

Councilor Ingham stated and how many vehicles do you own. Debbie Reed replied three plus a 5<sup>th</sup> wheel and they have two in their driveway and then they paved going down along side their property, going down to where their 5<sup>th</sup> wheel is, so we paved something so we are off the street. She stated they live in the cud-de-sac, the turn around so there really is no parking for them. They have a two car garage and then they landscape, they did a paved thing the whole length of their property and that is where the truck and 5<sup>th</sup> wheel are.

Councilor Ingham asked Teresa Keller how many vehicles do they own.

Teresa Keller replied they have four that are in the driveway, one for sale and two Volkswagens buses and one is her sons, like a collectors and the other one is.

Councilor Ingham replied okay. She stated Mr. Barstow how many vehicles do you have.

Paul Barstow replied he owns one and also a company car so the most they have is two.

Councilor Ingham asked Mr. Klepper how many vehicles do you have.

Mr. Klepper replied they have two, one parked in the garage and one park in the driveway.

Councilor Ingham stated thank you.

Mayor Burge stated thank you. He asked any other questions Council.

Mayor Burge stated he wants to go ahead and close the hearing for deliberations at 8:28 p.m.

Council President Bernhard asked City Planner Brian Varricchione did you provide the findings of fact for the Planning Commission. City Planner Brian Varricchione replied yes.

Council President Bernhard stated the Planning Commission went off that findings of fact within our City Municipal Code and deemed this to be an approvable business type II at that particular location.

City Planner Brian Varricchione replied correct. He stated they approved it with the proposed findings and the proposed conditions of approval.

Council President Bernhard replied thank you. He stated he just wanted to have that one more time on the record.

Mayor Burge asked if there is any other discussion by the Council.

Councilor Ingham replied she is trying to organize her thoughts because obviously there is a lot of information here to digest. She stated her first question to Brian is it standard for notification of people just within 200 feet of a proposed business in a residential area, what is the precedence there as far as the determination of who you contact in a neighborhood.

City Planner Brian Varricchione replied thank you that is a good question. He explained the radius of people who are notified actually depends on type of application. He stated in this instance the 200 foot is the distance that is spelled out in the City Code and so that is what we used. He stated after the hearings he did have some concern that perhaps we hadn't sent it out to 200 feet and he double checked and we did send it to everyone within 200 feet.

Councilor Ingham stated maybe in the future we as a Council should look at that and see if that is a fair distance to notify, just a comment.

City Planner Brian Varricchione replied the Planning Commission had a similar reaction. He explained they have asked him to look at some other cities for comparison.

Councilor Ingham replied she thinks that would be prudent.

Council President Bernhard replied he agrees.

Councilor Ingham stated the reason she asked about the number of cars is because her thought process here is that at some point here just like Teresa had to move her trailer on the street. With the number of vehicles that all of you have in the neighborhood there is some time where some of you have stuff going on where you need to move a vehicle on the street so you can do what you need to do. She stated she has a huge yard and she still has to move her vehicle on the street sometimes to do what they need to do. She stated so that happens probably on a semi regular basis of additional cars being on the street that are owned by residents of the neighborhood. She stated she thinks that Ms. Gebbie has every right to use the street in front of her house as you do, but not to over use it. She stated she has plenty of parking in her yard for her clients, minimal at this point. She explained her hours of operation, she thinks, is well planned in that it is when all the kids are in school. She stated now the summer time that is a different story, she understands that. She stated she certainly would not let her child run out her front door and across the street in any situation. She explained that is a personal safety issue she has. She stated the covenants and

restrictions issues she would like to see more information on that. She explained she doesn't know if she could even make this decision this evening because she doesn't know about the covenants and restrictions that some of you signed and some of you didn't sign, there are some inconsistencies here that she is concerned about.

Mayor Burge replied why don't we have the City Attorney.

City Attorney Cindy Phillips replied it is not a part of the appeal.

Councilor Ingham replied okay.

Mayor Burge replied even though it is not a part of the appeal, isn't a covenant a civil matter, so we could make a ruling tonight that says she could put her business in but they could still going to civil court and say no no no it is against the covenant.

City Attorney Cindy Phillips replied yes that is true.

Mayor Burge replied and win on that level and not win under our land use code because our land use code is separate.

City Attorney Cindy Phillips replied that's true.

Councilor Ingham explained she was over there a couple times today. She went earlier in the day about 4:30 p.m. and drove around the area for about 10 minutes, sat and parked, listened to her stereo and just kind of watched so she could see what the traffic flow was and what the issues were based on what she has read here. She stated it was pretty quiet and she sat there for over 10 minutes, close to 15. She explained then she went back right before she came here and sat there for about 5 more minutes and it was really quiet, there was hardly any traffic. She stated there is some conflict here as far as you saying it is quiet, but it is busy or it is going to get busy and the kids are you know, there is danger to the children. She stated there are safeguards in place for Ms. Gebbie to have her business. She stated if she steps outside the box at all and breaks a rule of any kind because all of you are going to be watching her like a hawk her license is going to get pulled, so those safeguards are in place. She stated she personally thinks that we should give this woman a chance to have her business and be a part of your neighborhood and if she messes up she messes up and she won't be in business there any more. She stated but she thinks as a neighborhood and as a community we should give her a chance.

Councilor Gedlich thanked everybody for coming tonight and testifying and Saturday twice she sat in their neighborhood for probably a total of 15-20 minutes, both times. She explained she parked going north the first time and she parked going south the second time. She explained she saw basically the same cars parked about the same places. She stated she was a little concerned about the fire hydrant but everybody kind of has those issues when you live on a street, so she wasn't too concerned about that because of when she looked at the graveled area where people could park and in front of the driveway it isn't any different than anybody else in town. She explained she lives on a very narrow street SE 5<sup>th</sup> Street, right off High School Way. She gets all the traffic going to Grant Watts School, all the traffic going to the High School. She gets the

buses, she gets the walkers all day long every day. She stated so your neighborhood is really quiet, really quiet. She stated her son was a year old when we bought the house. She stated we have lived there for 40 years, never in the 40 years has she allowed her son or his children to play in their front yard just because of the traffic. She explained they have no speed bumps and they have the kids that drive up and down that street all day long, they have the delivery trucks, the construction trucks. She stated your neighborhood in the five times that she was there over the weekend, even as nice as it was, she didn't see anyone going down to the park and there was not a whole lot of traffic, maybe 15 cars the whole five times that she sat there. She stated she feels sorry that the attitude is what it is. She stated maybe Starla should have gone to all of you before she decided to do what she did and or purchase the home and she is sorry that she didn't have to sign covenants but that is a civil matter. She thinks it is a sad thing what's happened because she was business leader here for many years, a business owner, she has given a lot to her community. She stated her children grew up here, they went to school here, she was here as a young girl. She thinks you need to give her a chance. She doesn't think it is going to be a major impact in your neighborhood as you think it is going to be but what you do need to do is if you have concerns with the traffic and the safety of your children and Mr. Barstow she would suggest that you train your year and a half year old son to not run out in the street because if he was hit we would all be devastated, absolutely devastated but she does think that they all need to work together. She stated she is not sure that we can deny this just because of a traffic issue and safety but what you need to be doing is contacting the police department if there's issues down there and don't wait until something bad happens.

Mayor Burge asked Councilor Gedlich if that is everything.

Councilor Gedlich replied yes.

Mayor Burge replied is there anyone else who has any comments.

Councilor Heerwagen explained he was reading the purpose of home occupation permit, it says specifically that it allows residents to use their homes to engage in small scale business ventures which could not be sustained if it were necessary to lease commercial quarters and he thinks this certainly qualifies for that. He would personally have trouble knowing he voted tonight to deny a woman the ability to make her livelihood. He finds there is a conflicting report on traffic conditions, there are some of you who say this is a tremendous problem, they have where it is dangerous, their children are going to get hit and yet he hears other testimony that says we have a quiet livable community that we want to sustain. He stated based on what two other Councilors here said it is a quiet neighborhood and he thinks their own visitors would bring as many people as Starla would bring in possibly with her business. He thinks we should give her a chance and he thinks they ought to give her a chance too.

Mayor Burge stated Councilor Meres.

Councilor Meres stated his probably will be the shortest. He would like to thank everyone for coming and sharing their concerns. He explained this won't take very long, he won't take a lot of their time. He stated what he is concerned about is that fact that she met the letter of the law here with our ordinance, so unfortunately he will approve her.

Mayor Burge stated Council President Bernhard.

Council President Bernhard stated for him it is pretty black and white. He stated Ms. Keller you have been to enough of these City Council meetings to know that it is rare that we will overturn a decision that was already made by the Planning Commission unless there was substantial facts swaying the other way. He stated he thinks that staff has done a fine job coming forth with the correct facts, stated within the municipal code and therefore the Planning Commission made the proper decision at that particular time. He stated unfortunately he believes that the City Council has been placed in between a neighbor dispute more than actually trying to rule on again the findings and facts of our municipal code so he goes back to that particular code, he finds that the Planning Commission was correct at that particular time and he plans on voting in favor of the applicant based off of those facts and that has already been approved through the Planning Commission.

Mayor Burge stated he has a little different take. He explained he is going to agree with Councilor Bernhard that as far as the letter of the law it is met. He explained it sounds like his take is from reading the testimony and then hearing the testimony is it might not be an issue with the new business going in as much as frustration of the issue that we are having with public space Creekview Park and the parking. He stated the City hasn't provided adequate parking for that in the park space or adequate lighting, which helps one of the biggest reasons he wants a dog park in the back side of the Veterans Park because it will put people back there so little trouble makers won't be back there, little could be anything from 5 to 75, trouble makers won't be back there causing problems, there will be people there kind of keeping an eye on it. He stated unfortunately that he has always heard on this is it is dark, we haven't provided the adequate amount of parking, signage, even down to at all the other park spaces we have, doggie poop bags. He explained his take out of this is he doesn't know what on the covenants we don't get to rule on that, that is another court "per se" because that's how those are enforced and that is how his understanding of those for especially in lieu of not having a neighborhood association but he thinks it should be incumbent on this Council to look at ways to resolve these other issues regarding that public space that is obviously not only used by the neighborhood but people outside the neighborhood because his understanding is the folks being arrested aren't neighborhood people and so his take is that she meets the letter of the rules to open the business, she will be able to put a small non-illuminated sign attached to her residency, no bigger than a for sale sign or a business sign but he thinks from what he has heard the frustration really emanates around this public space that we have and he thinks the Council really needs to take a look at what we can do to help alleviate that issue for the neighbors. He stated he is going to agree on the 200 feet especially in these neighborhoods where there is a neighborhood issue we need to look at maybe incorporating the entire neighborhood within the covenant or whatnot because he knows if something happened at on one end any street and you were part of a covenant on the other end of the street you should be notified of that action in any community. He stated maybe that's how we should look at it, he doesn't know, just throwing out ideas but so that is where he is going to look at and vote on this it has met the code but he thinks the Council needs to address these other issues that have not only come up here but have come before Council in the past.



Councilor Ingham stated absolutely. She explained her comment was going to ask being as there is a City park right in the middle of your neighborhood that is the responsibility of the City speed bumps would be a really good deterrent for fast driving at each end of the road or something to detour driving. She stated as she read through this packet and the staff report one comment was that some cars blow down that street at a pretty good clip that would probably detour that especially with citizens all over the City coming to your area because you happen to house a City park. She agrees with the Mayor that we definitely need to look at those issues and they will.

Councilor Gedlich moved and Council President Bernhard seconded the motion that the Scappoose City Council select option A: Affirm the Planning Commission's decision without adopting additional findings. Motion passed (6-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye and Councilor Heerwagen, aye.

Mayor Burge recessed for a 5 minute recess at 8:47 p.m.

Mayor Burge reconvened at 8:52 p.m.

### **Update from Paul Peterson regarding School Projects**

Paul Peterson, Superintendent of the Scappoose School District, gave an update on all the school projects. He commended the Council that they gave to the last issue.

Mayor Burge asked for a motion to extend the meeting beyond 9:00 p.m.

Councilor Ingham moved and Councilor Gedlich seconded the motion to extend the meeting to 9:10 p.m. Motion passed (5-1). Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye and Councilor Heerwagen, aye. Mayor Burge, nay.

Paul Peterson explained a lot of the material from the Petersen School will be recycled. He explained he would like to invite the Council to attend a very special ceremony on June 5 at 11:30 a.m. they are going to move the bell. He explained the ribbon cutting is August 30, 2010.

Council thanked Paul Petersen for the update.

### **CSWCD Presentation**

Representative never showed up.

### **Announcements**

Mayor Burge went over the calendar.

### **City Manager Hanken**

City Manager Hanken explained Election Ballot are due tomorrow night by 8:00 p.m.

## **Councilors**

Council President Bernhard stated he thinks it is great that we have two people left here tonight. He thinks it is great to see Mr. Klobes and Mr. Melton here.

Councilor Ingham explained there will be a City Charter Review Committee Meeting on June 23, 2010. She asked for some doggie bags in Heritage Park, please.

Mayor Burge stated the front page of the VFW News for the State of Oregon has a nice photo of our Scappoose Veterans Park sign.

## **Adjournment**

Mayor Burge adjourned the meeting at 9:10 p.m.

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Scott Burge, Mayor

Attest: \_\_\_\_\_  
Susan M Reeves, CMC, City Recorder