



**SCAPPOOSE PLANNING COMMISSION**  
**Council Chambers at City Hall**  
**33568 E. Columbia Avenue**

**THURSDAY, APRIL 8, 2010 at 7:00 p.m.**

**CALL TO ORDER**

Chair Negelspach called the Scappoose Planning Commission meeting to order at 7:00 p.m.

**ROLL CALL**

The regular meeting of the Scappoose Planning Commission was held April 8, 2010 at 7:00 p.m. in the Council Chambers located at City Hall at 33568 East Columbia Avenue in Scappoose, Oregon with the following present:

**Planning Commission:**

Chris Negelspach	Chair
Don Dackins	Commissioner
Bill Blank	Commissioner
Raul Torres	Commissioner
Anne Frenz	Commissioner
Ron Cairns	Commissioner
Mike McGarry	Commissioner

**Staff:**

Brian Varricchione	City Planner
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**Excused:** Vice Chair Shuman and City Recorder Susan Reeves

**APPROVAL OF MINUTES**

Commissioner Blank moved and Commissioner Cairns seconded the motion to approve the March 11, 2010 Planning Commission meeting minutes as corrected. Motion passed (7-0). Chair Negelspach, aye; Commissioner Dackins, aye; Commissioner Blank, aye; Commissioner Frenz, aye; Commissioner Torres, aye; Commissioner Cairns, aye and Commissioner McGarry.

**CITIZEN INPUT**

None

## **NEW BUSINESS**

### **5.1 DOCKET # HO10-10**

**Consideration of an application for a Type II Home Occupation Permit (HO10-10). Starla Gebbie has requested a Type II Home Occupation permit to authorize a hair salon business within a residence. The site is located at 51916 SW Creekview Place, on property described as Columbia County Assessor Map No. 3213-BA-03000.**

#### **Format: Quasi-Judicial Land Use Decision**

Chair Negelspach read the opening statement and guidelines for the hearing. Commissioner Blank explained he knows the applicant but it will not affect his ruling on this matter. No other Commissioners had any issues regarding the matter. There were no objections to the Commissioners participating in this matter. He explained the decision of the Planning Commission can be appealed to City Council.

City Planner Brian Varricchione explained this is a request from Starla Gebbie for a Type II Home Occupation permit for a hair salon. He explained Type II allows customers and the most that would be allowed is six customers per day. He explained the proposal would be to place the hair salon within the existing structure, in an approximately 150 square foot portion of the garage. The applicant has stated that she would be the only employee. There will be no more than three deliveries per week to the residence by suppliers and the applicant stated there would be limited deliveries. The applicant has stated that they would comply with the requirement of no offensive noises, vibrations, smoke, dust, odors, heat or glare. He explained another criterion with respect to building code in this particular instance since the applicant is proposing a hair salon that there would be a requirement to meet building code that plumbing permits be pulled and appropriate backflow prevention device be installed. He explained as a requirement there should be no more than two businesses at the site and the applicant has proposed only one business in this instance. He explained there is regulation that there shall be no storage of toxic or flammable materials and the applicant has stated they will not have toxic or flammable materials. He stated based on the approval criteria and the scale of the proposed business staff is recommending approval. He explained there was one letter that came in regarding this application from Loren and Alice Klepper, they oppose the proposal and their concern is about congestion from cars parked on the street and traffic that would come to and from the business. He explained that was the only comment that came in regarding the application. He explained staff is recommending approval and there are four conditions of approval that they would recommend based on the City code; first the applicant needs to obtain a City business license, second if there were any signage that the applicant obtain the appropriate sign permit from the City, third that the business should have no more than six customers per day, and fourth that the applicant obtain appropriate building and plumbing permits to comply with the plumbing code.

Chair Negelspach asked City Planner Brian Varricchione that he mentioned a cap on the square footage, is that in the code? City Planner Brian Varricchione replied yes. He explained 25% or 600 square feet would also be the max if it was a very large house. Chair Negelspach stated and that square footage includes the garage as a part of the overall area. City Planner Brian

Varricchione replied correct. He explained the applicant has proposed between 100 and 150 square feet so it is fairly contained.

Chair Negelspach asked if the applicants would like to present their case to the Planning Commission. He asked them to come to the microphone and state their name and address for the record.

Starla Gebbie, 54235 Freeman Road, Scappoose, explained she is planning on moving to the house she owns now at 51916 SW Creekview Place. She explained she has been a hair dresser for 40 years and she just wants to do this kind of part time in her home because she is taking care of her special needs grandson. She explained she is doing it right now, she went through all the stuff with the County to do it in her home just last fall to get things organized and she got that taken care of through the County but now she is making the move. She explained her mom passed away and they sold the property and now she is moving into town to keep her grandson close to school. She stated she can assure anybody that this is not going to be any big situation, she is semi-retired anyway and she doesn't plan on working full time period. She stated it is going to be put in the garage and she is going to close in a little section where the garage door is, not the big door but the little side door. She explained there will be one station, one shampoo bowl, which is going to be where the station will be too and a place for the dryer, just like she has now it is in her laundry room now at home. She is licensed and everything, and insured. She just needs to follow through and get the permit necessary so she can be legal and everything it entails. She explained she use to own Accent on Hair here in town for 20 some odd years and then she sold that and her husband got really really sick and then he passed and so anyway that is her plan.

Commissioner Blank asked the people that will be there for her haircuts they are not walk-ins they are all by appointments, right?

Starla Gebbie replied pretty much by appointments only because she has an established clientele and there are more occasional hair cuts and coloring and that kind of thing. She explained she also has some elderly people that she does and also anybody who lives around there knows there is room where nobody will have to park on the street. She is only going to have one car at a time unless somebody has an emergency and comes flying in. So it is not going to be anything. She explained if she didn't ask for a permit she doesn't think anybody would even know. She knows several people who are doing this in their homes without permits but she is not going to say more on that.

Commissioner Blank asked how long does it usually take when they come for one of these services.

Starla Gebbie stated to get a haircut or a perm is anywhere from a half an hour to maybe being there an hour to hour and half. She does pedicures on some of the elderly people so she doesn't hurry anybody out.

Commissioner Blank asked how many hours are you operating? Starla Gebbie replied right now at her house now she works Wednesday and Friday and she doesn't do very many people at all.

She stated it is just if she could get established again now that, she had been a care giver plus trying to do things that is what made her sell her business to begin with and now her mom has passed and her husband has passed and she just has her grandson to take care of and she can't have a job that takes her where she can't be involved in his life because he couldn't be just left alone.

Commissioner Cairns stated to Starla Gebbie right now you don't have enough customers for six a day but you eventually would like to.

Starla replied no, but she would like to, she doesn't want to just limit herself but right now it won't be every day.

Commissioner Cairns stated to Starla Gebbie that she answered his question about the parking, no street parking.

Starla Gebbie stated there won't be any problem with that, the only time there ever would be any issue is if maybe the bus brought somebody or something and they would have to let them out and pick them back up again. She stated she doesn't have a whole lot of family issues, once in a while she will have a Tupperware party or some type of a home gathering but there is not going to be a large group.

Chair Negelspach asked Starla Gebbie if she has a customer that is coming while someone else is there you would try to accommodate them in the driveway off street?

Starla Gebbie replied yes because her car will be able to be in her garage and her motor home will be parked on the lot, she has plenty of room there. She explained she sent a picture and there is literally a place where three or four cars could park side by side in her driveway and that is without anybody behind one another at all.

Chair Negelspach stated the only other question he has was regarding a certain requirement for screening outdoor storage. He stated he wouldn't think she would need outdoor storage.

Starla Gebbie replied no she wouldn't need outdoor storage. She explained any supplies that she has fits in a cupboard and she stated she doesn't run a big store.

Chair Negelspach stated under the Type II you are allowed to have a sign outside, will you have a sign. Starla Gebbie replied yes I will have a little one that says "Starla's Family Hair Care".

Chair Negelspach asked if there are any opponents that would like to speak. He asked them to come forward and state their name and address for the record.

Paul Barstow, 51894 SW Creekview Place, which is two doors down and he is obviously opposed to this. He explained he is not against someone wanting to run their own business but what he is opposed to is risking the safety of our kids. He has a one and a half year old boy and he has another one on the way. If you notice on the little map the diagram that we have directly

across the street is a park is one of the main reasons why we wanted to move to the neighborhood. He stated his one and a half year old boy already loves the park. We go there almost daily, our nanny takes him there daily. When he is let out of the house he goes straight to the park and his main concern would be obviously his safety and the future safety of my next son. He stated there will be additional cars parked there, there will be additional traffic coming, even if there are only six per day or less that is twelve additional cars driving down the street going to and from. He explained right now the only people driving down the street are the ones who live there and that is the reason why we chose the neighborhood. He stated this business or any other sort of business, he would assume, would increase traffic and being directly across from the park runs the risk of his child being hit. He stated he wanted to keep all his comments relative to this but he has had to move twice in his life because of accidents, safety which jeopardized his family and this is again why we chose Creekview because it was a quiet street; it is not a main street. He stated the only people who drive down there live there and that will change with this business. He stated people will drive down there that do not live there that don't know there are kids, like his and others, potentially will risk the safety of them and that is why he is adamantly opposed to this. He thanked the Planning Commission.

Debbie Reed, 51971 SW Creekview, she explained they have resided there for 18 years. She explained her first concern is they didn't even get notice of this. She first heard about this about last night about 9:00 so she is concerned about how many other neighbors that are going to be impacted by this business and the traffic that goes down that street aren't even aware of what is taking place.

Commissioner Blank asked City Planner Brian Varricchione do you know anything about this.

City Planner Brian Varricchione replied we mail notice to everyone within 200 feet of the site.

Debbie Reed replied they are four houses away. She stated anybody on Creekview where it is going to impact traffic should have been notified.

Chair Negelspach replied we could determine that pretty quickly rather or not you should have gotten notice.

Debbie Reed stated her concern is again with several of the other neighbors is the traffic. She stated we already have issues with people coming in, they are driving too fast, they are running the stops signs. She explained they have had the police called several times and now she understands from the applicant there might be a bus also driving people to her place of business and we have too many small kids in the neighborhood that she just thinks safety is a big issue and that is a two car garage house and she will have to have people park on the street. She stated you can't get six vehicles in a driveway.

Starla Gebbie said she can only do one at a time.

Debbie Reed stated our other issue is we do have the park right across the street. She explained in the last two years they have had the police out there four times, especially in the summer, they

have a lot of kids that come down there and they are causing trouble and they are parking and taking up the street parking so we have had that issue too. She stated she just thinks it is added stress to the street. She just doesn't think it is a good idea and it is a residential neighborhood if we allow one business in, it is just going to escalate.

Commissioner Blank stated the only comment he would make is on her concerns of you talked about a bus people visualize a large bus, there are some buses that accommodate the seniors that is probably what we are taking about here and they can maneuver very well.

Debbie Reed replied right, but we still have kids. We have kids from about four homes that run from their house to the park all day long. She stated they are young kids that parents aren't always out there when they dart over there. She stated the park is a great asset to our neighborhood and the added cars in our neighborhood is an issue. She stated she has a question if she has a home based business doesn't she have to have a designated spot for handicap parking and that hasn't been addressed.

Commissioner Blank replied he doesn't think so, not for this situation.

City Planner Brian Varricchione replied that it is not required.

Debbie Reed replied for a business that is not required.

City Planner Brian Varricchione replied it is not required for a home based business, different rules in the building code.

Debbie Reed replied our neighbor had one and he had to.

Chair Negelspach stated to Debbie Reed that she also had concerns about a stop sign.

Debbie Reed replied the stop sign is at 4<sup>th</sup> and Meadow. She stated you can stand there and people just blow through it, it is just amazing and the police haven't seemed to be able to get that under control.

Commissioner Cairns stated if it is any consolation he lives in SE and that is always a big problem.

Debbie Reed stated we just have the park issues already, we have the stop signs, and we have the people. She stated the people that live there, like the gentleman said prior, know where the kids are, we come in to Creekview slow because we know where the kids are and we know the park and she thinks they are having people that are not aware of the park, aren't aware of our neighborhood that are going to go in there to get their hair done and not pay attention.

Commissioner Cairns stated you keep mentioning the park, is there parking for the park on the street too where you have a lot of people already pulling in there.

Debbie Reed replied no, they park in front of our neighbor's house, there is no parking.

Commissioner Cairns stated so you do have other traffic besides the residents there.

Debbie Reed replied yes and the police, she has called five times, there have been four arrests, she believes, in the last year. She stated there has been a couple having sex on the park bench of the picnic table down there. She explained they have twice had drug activity down there and the police have been called and arrested and that seems to escalate in the summer and they are parked along the street, there is no parking for the park. She stated it is mainly used by the people that live there, us that have dogs like to take our dogs down there and run and stuff but the teenagers have found out they can sneak down the trail and hide out instead of going to school.

Commissioner Cairns stated this is a public park right?

Debbie Reed replied it is. The City now has posted signs for after dusk they can't be in the park so they are working with us to kind of help us with the situation what's been going on the last two years but they are parking, when they come in they have taken all the street parking from Creekview well beyond the park.

Chair Negelspach asked if there is room to have cars parked on each side of Creekview and have two way traffic still.

Debbie Reed replied it is very difficult.

Chair Negelspach replied but it is allowed by the signage that is there. It is signed that you can't park on one side or the other.

Debbie Reed replied no, we have a couple fire hydrants is all. She stated in fact in front of the applicant's house is a fire hydrants so she is not going to be able to have that area be parked in.

Commissioner Blank asked Debbie Reed if the applicant only has one person parking in her driveway, because that person is the only customer she has, do you have a problem with that. It would be no different than if someone was to come to someone's home to visit them.

Debbie Reed replied well she stated six but she would like to maybe do more and then I understand she is going to allow walk-ins.

Commissioner Blank replied but they are not all at one time.

Debbie Reed stated if you have walk-ins you are going to have more than one person you are going to have somebody in the chair and then somebody knock and want to have a haircut.

Commissioner Blank replied he didn't understand that she was going to have walk-ins.

Debbie Reed replied she said. She stated I understood that she is going to allow walk-ins. She

stated if you have a sign that you are open for business it is known any hair dresser you can pop in and ask if they can do a haircut.

Commissioner Frenz stated with Creekview being the kind of street it is you are not going to get lots of walk-ins. She stated it is not like even where “Accent on Hair” is or some place like that you are not going to get a lot of walk-ins.

Debbie Reed replied she doesn’t know how she is going to advertise. She said she has been a hair dresser for 40 years. She doesn’t know what her clientele is.

Commissioner Frenz stated mostly older ladies.

Commissioner Cairns stated and she can’t have more than six, even if she wants more she can’t have more than six or her license can be revoked.

Debbie Reed replied well our issue is the parking and the traffic it is creating down Creekview and it is already an issue, the parking.

Chair Negelspach thanked Debbie Reed for her comments. He asked if there is anyone else who would like to speak. He asked her to please state her name and address for the record.

Teresa & Tim Keller, 51881 SW Creekview Place. Teresa Keller explained they have lived there going on 19 years and it has been a real peaceful street and it is a residential area and she doesn’t understand why we as neighbors don’t have something to say about this not wanting a business back there. She explained it is a “U” shaped street and it has been just real peaceful, so why do we have to bring a business in there.

Commissioner Blank replied it is allowed, if it is approved. He explained it is part of what we have for anyone who wants to start a home business and this would not be the first one. He explained so what we are doing now is trying to determine whether or not she meets that approval criteria. He explained we are restricted by the criteria and whether she meets that criteria basically is what we are talking about. Commissioner Blank asked Teresa Keller if she received notice of this.

Teresa Keller replied no, she called Brian and she left a message for him he was on vacation and he didn’t return her call. She explained she finally called him back Thursday of the next week and he said he didn’t get the message and so she told him what she thought about it and she asked why wasn’t she notified and he explained the computer chose the people within 200 feet. She explained she lives across the street and two houses down but she did not get a letter.

Chair Negelspach replied it seems somewhat irregular.

Teresa Keller stated she thinks there would have been probably more people here if they would have been notified.



Tim Keller stated he thinks because of the unique structure of the street he thinks everybody on that street, because it is not a through street, two stops signs at each end, it is a “U” street, it comes off of 4<sup>th</sup> of each end, and it will add congestion. He stated his only thought and he doesn’t know if this meets the criteria, but they have a lot of people that have lived in the neighborhood for many many years. He stated there are businesses that are going broke on Highway 30, there is lots of Highway 30 frontage, there’s lots of hair parlors already in Scappoose, why if somebody doesn’t even live in the community come in and bring a business in our neighborhood where we have raised kids and watching new people raising their children and bring our grandkids over.

Commissioner Blank stated he thinks the applicant presented that by saying she is moving to the house to take care of a child there that she needs to be with in the house, if that is the case it is just for her convenience that she is doing it, it is his understanding of it. He stated it is not like she just started a business just to have a business and hoping the business sells.

Tim Keller stated if she has a business established somewhere else meeting that criteria.

Commissioner Blank replied she sold that property, correct?

Tim Keller replied yes and moved in to ours apparently. Teresa Keller replied there are other people who have special needs children and they don’t have businesses in their homes.

Commissioner Frenz replied we can only deal with one situation at a time. She stated she is sorry but we cannot take that into consideration. She explained we are limited to by what the Statutes are, we are limited by the code and that is how we make up our mind. She explained she is sure it doesn’t make everybody happy but then again it doesn’t always make us happy either but there are things that have no bearing, that we may think is important, but because it’s not and we don’t say anything about it because it doesn’t apply. She stated we are limited by what we can do.

Commissioner Blank explained he will say too that, if an approval were to be granted the neighbors also are the watchdogs. If something happens and the rules are violated, the City could go right back and pull that and they would not be able to continue to work in that place. He explained she has to be following the rules and if she is not and there are more people showing up than approved or if any of the things are happening then those things can change very fast. He is sure Brian will tell you that too.

Teresa Keller explained she knows her thoughts on that are if more than six, seven or eight people come how do we know if she says it is a friend visiting and not a customer. She stated if we keep track and clearly it is violated then whose word is going to be what you listen to.

Commissioner Blank replied I don’t know.

Teresa Keller stated she knows when her kids were going up the Lordos’s lived across the street and they had little kids and the McCoy’s next door and we were always out there watching the cars because we had kids coming through with it being such a unique shape they would come flying around the corner and we were out there yelling and she thinks at one point they even got

the hose and was trying to spray the cars, trying to stop some of the traffic because they do and if somebody is running late with for one of their appointments for her and there's a little kid there when they come around the corner there could be an accident. She stated that is a safety issue that has to be considered.

Commissioner Blank replied that is a concern.

Tim Keller asked if there has been mention of hours of operation.

Chair Negelspach replied there are requirements that restrict the hours; it is 10:00 p.m. to 8:00 a.m. is not allowed.

Teresa Keller replied so clear up to 10:00.

Commissioner Cairns stated he takes it there are no teenagers at all in neighborhood.

Teresa Keller replied there are down the street by the Reed's there is a house that has teenagers.

Commissioner Cairns stated he knows in his neighborhood they are getting more and more teenagers which is more and more traffic and more and more crazy drivers. He stated he is confused about one thing he keeps hearing about what a peaceful neighborhood and quiet neighborhood but on the other hand he hearings about this park that bringing in sounds like all these extra people that are parking on the street so he is getting a real contradictory feeling here.

Commissioner Frenz stated she agrees.

Teresa Keller stated they live about five houses down from the park so they are at the other end, she doesn't hear it, fortunately. She explained she is very sad that the ones that live around it do. She stated she hadn't known of the problems but they had their own problems in the past with people coming onto their property. She explained somebody at City Hall told them their property, because of the easement some of the people signed over 10 feet of their property, so the City come, along the creek, to do maintenance, they did not but they were telling people that all of that property back there was public, 10 feet of it, so they had people coming on their property, destroying stuff, drinking and so they had to call the police and have them removed. She explained so they have had their own problems there because of the creek so yes, the park which has the creek that borders it, there are problems; fortunately they have been at the other end of this time.

Tim Keller stated he guesses their fear is bringing a business in there could create more problems, he doesn't know, it is just they have worked hard to keep what they have, it has not always been easy, but they have worked hard to keep what they have.

Commissioner Blank stated you mentioned the concerns and if he was living there he would have the same concern however he had been on this side and this is the third application that he knows of for the same kind of business and they have been approved and they have never had any

feedback of any problems from that person because they maintain their business as they said they would, they usually did not bring a lot of traffic in because they were part-time and they were just trying to work out of their home to make a few extra dollars. He stated in most cases it worked out so they don't have a case history showing what your concerns are to say hey this is something we have to really overly be concerned about, at least that is his experience from the time he has been here, about 10 years or so.

Chair Negelspach stated he thinks those three just in the last two years. He stated it is kind of the sign of the times, he thinks, and he hasn't gotten any feedback with issues of those home occupation permits. He asked City Planner Brian Varricchione if he has seen anything on those.

City Planner Brian Varricchione replied no, he has not received any complaints.

Chair Negelspach replied you know the tenet of this code basically is that it is a subordinate use of the residential property and it isn't suppose to be conducted in a manner that is detrimental or disruptive in terms of appearance or operation, obviously the neighborhood is going to police that and bring issues to the City's attention if there is a problem or let the applicant know if there is a problem and let her address that. He would think that after all the testimony night, at least what we have heard so far, that the applicant would probably educate her clients on how to come into the neighborhood in a safe manner knowing that there are a lot of kids there and that they need to park in the driveway and that she will schedule things out in the fashion that doesn't have three people come to the house at the same time, especially with everybody that has come aware of this potential business.

Teresa Keller stated one other thing that is a concern they get up at 4:00 in the morning and having traffic going down there up to 10:00 at night. All the neighbors are real considerate and we don't have anything going on after 9:00 because we are concerned about each other so if people can go there until 10:00 at night and radios are blaring or whatever in their car, she thinks there needs to be some limits set maybe, if you are going to allow this that it helps the neighborhood.

Commissioner Torres stated he thinks the code states that it cannot be allowed from 10:00 p.m. to 8:00 a.m. and that does not necessarily mean that she has customers coming through from 8:00 a.m. to 10:00 p.m. She can set her times during that time but just because the code says from 10 to 8 is the limit does not mean that she will use it. She has a young grandson so he couldn't imagine it being past 9:00.

Teresa Keller stated he is in the 8<sup>th</sup> grade though.

Someone asked if he is going to school.

Commissioner Torres replied couldn't tell you.

Starla Gebbie replied he is in school and has been in the Scappoose School District. She explained he has fetal alcohol syndrome. He is a very happy child. She explained the school

district has been really wonderful and wish they had more children like him and that is why she wanted to stay in the Scappoose School District because she had thought about moving to find someplace that she could afford to be and the teacher had said that it could actually be very detrimental to change schools. She stated it is very trying for her to deal with as well. She said you folks who are upset about all this she never intended to come in and be the problem in the neighborhood. She doesn't intend, she can promise them, there is not going to be hair going on all the time, she doesn't want to work that hard anymore. She has been there and did that and as far as trying to get a place on Highway 30 or any other place for that matter she is moving. She had to sell her home that she lived in because she could no longer afford to live there.

Teresa Keller stated so if he is in the 8<sup>th</sup> grade and in school all day then why couldn't she work outside the home when he is at school.

Annette McCoy, 51889 SW Creekview Place, she stated her concerns are if you have never been out to that road you need to take a visit because we are talking about the way you come in to our street and two stop signs, ones Park, ones Meadow, the turn is very very tight, when there is one car parked on the side. If you park car on the other side it is very tight to get a third car through, so there is a concern right there and that is on, when you come in on 4<sup>th</sup> and Park, a very tight turn there. She stated on the other side it is not so tight but you are coming into a narrow neighborhood so if cars are parked on either side there is no way two cars can get through, it is a very very tight road there. She is concerned about the flammable products because hairspray is flammable no matter how you look at it, so there is a concern there. She is concerned about, she is a teacher in the St. Helens School District, she knows about autism, she taught them, she has special needs in her classroom, just surprised that he is in 8<sup>th</sup> grade and in school all day, yet she says she needs to have her business in her home to take care of him, so she questions that. She said she knows the kids are picked up by the bus, he is special needs and picked up by the bus and go to school and then brings him back by the bus.

Commissioner Blank asked by the way where does the bus come, the school bus, when they pick up the kids in your neighborhood, do they go along that street.

Annette McCoy replied she is not there at the time to see what time the bus comes.

Someone stated they make them walk out to 4<sup>th</sup>.

Annette McCoy stated that is what she was thinking that is was not on theirs because it would be really tight for the bus to get around the corner.

Commissioner Blank stated that is why he asked.

Annette McCoy stated so it is real tight, a real tight area so you are asking, so here we are with a senior citizen COLCO bus and you have got a small school bus for special needs and to make that turn around, they are not going to make it on that corner and people have the right to park on the corner because it is their property to park their cars on, so the cars are parked on the turns there. She stated you are not going to get a bus through that one area when both residents have

theirs cars parked there. So it is a real issue there. She stated somebody needs to come out and check that traffic before you approve it because it is tight.

Commissioner Cairns stated does that mean no body has RV's?

Annette McCoy replied the one neighbor has a van but it fits right in her driveway, she is a teacher too and she drives it every day, it is a small van. No RV's are on the road, if they did it would be really really tight. She is concerned about, we talked about the park, summer is the issue on the park, there are a lot more people parked there which therefore will make it tighter when people come out of her driveway and her driveway is only paved for two cars and she talked about having her car in the garage but yet the beauty salon is in the garage too, so she doesn't know how she is going to do that. She just has one side of the two car paved and then on the other side it is kind of gravel/grass, so she would be pulling into the grass over the side walk which could break down the sidewalk if you don't have it paved for a driveway. Just concerns definitely, she has been there 19 years, a little over 19 ½ years. She explained her kids grew up there, great neighborhood to grow up because there was not the traffic, it was a lot safer. To have the little ones come in the neighborhood and we have new families coming and she is thinking they can't be out there at all, she means they definitely have to be watched with adults, but still a little one or an animal. Her daughter has a dog and running out in the street and here is more traffic that you have to really watch and everything like that, so she worries about the animals as well with the increase of the traffic. She stated she knows there are other businesses like she knows across from Pet Care it used to be a beauty salon, she knows that is for sale and she does know she wants to do that you can always convert an area, she can always put up a wall for her child and have him be right there, if she is still working or something like that. She stated there are lots of other places available for sure and just like she says she worries about the impact of the traffic on that narrow neighborhood.

Chair Negelsbach asked if there are any other opponents that would like to speak. He asked her to please stated her name and address for the record.

Stephanie Liner, 51945 SW Creekview Place, explained her house is almost across the street from the applicant. She stated she does live right next to the park.

Commissioner Blank asked Stephanie Liner if she got a notice.

Stephanie Liner replied she did and that is how they all know. She stated she wanted to address the question about the park issues or traffic or whatever. She stated she has lived there 2 ½ years and she called the cops four times or five times for issues. She stated there are not a lot of people who drive in but there are a lot of teenage kids that live in the streets surrounding ours that know that the park is there and she has called because of drug activity and things down at the park where they just walk in. She stated she called a couple of months ago because the local high school kids decided to have a fight club in the park and she looked outside her door and there were 30 or 40 cars parks up and down along their street, around the corner, down on 4<sup>th</sup> and there was a huge group of kids having a fight club down in the park. She explained people do know the park is there but not a lot of people use it on a regular basis other than those of us who live in

the area. She just wanted to answer the question about the park since she does live right next door, she kind of monitors it.

Chair Negelspach asked if there are any other opponents who would like to speak. He asked if the applicant would like to rebut any of the opponent's testimony.

Starla Gebbie stated there is really not a whole lot that she has to say. She stated they don't know me and she doesn't know them. She doesn't want to create an issue for anyone. She doesn't want to create a problem here. She stated she has grandbabies that will be at her house from time to time. She stated she can imagine you have families, you don't have reunions, you don't have gatherings, you don't have people for bbq's, you don't have any of your kids bring their friends over, she is done with that herself, she doesn't have any that age of kids. She doesn't understand where, first of all if she did six people it is not going to be done all one time, it is going to be throughout the day. She stated she doesn't know why you guys are so scared, she has been down that road, and she was thrilled because it was a big road. She stated she doesn't use the other side very much because she is coming from EM Watts but she also leaves and she goes out down the horse shoe thing and goes out to Sequoia and Old Portland Road if she is going to go to Fred Meyer. She doesn't want to talk about it all night; she doesn't want to be an enemy before she even gets there. She stated her yard is going to be fenced, it already is, most everybody around there has fenced yards. She stated if your children are getting out in the street you need to be more careful of that and pets. She stated she knows kids can do that and she wouldn't want anybody speeding around that is not her fault, she hasn't done anything. She has had a business and conducted a business in a local shop like they are talking about, she doesn't have that kind of finances any more period. So whatever she does now between her husband's pension and you know she turns 60 in 1 ½ years and she will get her husband's social security at that time if she chooses too and she doesn't know if she even wants to work then, she wants to enjoy her life, so this isn't even going to be a big long. She wants to be there but she also have family and she has friends and she intends to continue to live, she will have bunco once a year, there is a lot of things that she likes to do. She stated if this neighborhood is that, if you don't want anybody to live a life, just because she wants to do a little bit of hair, that doesn't have anything to do with, she doesn't think they are realizing she is not going to have a full blown business in there or having people coming or going. She explained she won't even have three deliveries; she will get her own stuff. She stated UPS brings her stuff from QVC, if that is a problem then oh well. She stated please don't feel that she can just readily go over on the highway and get herself a business and partition a room off for her grandson and those kind of things. She stated this is America and she is trying to do the best she can to take care of her family and she doesn't want this to be an issue with any of them.

Chair Negelspach thanked Starla Gebbie. He asked if there was staff response.

City Planner Brian Varricchione stated the Planning Commission has heard a lot of testimony tonight and it is good that so many neighbors were able to turn out. He apologized to those who did not receive the notice but everyone who was suppose to receive it under the City's Land Use Code was given a copy, that is the 200 foot radius so we follow the law on that. He stated with respect to the traffic and parking, that's for the Planning Commission's deliberation. He stated

ultimately if the Planning Commission approves it as he thinks it was Commissioner Blank that was stating it's a performance based thing where if it's causing problems the City has the right to just revoke the permit and that hasn't become an issue with any of the other home businesses in the City. He stated he can really only think of one instance where there was a problem that was an individual who was doing car repairs so people were dropping cars off and leaving them and having shuttles back and forth to drop off customers and pick them up and in that instances for obvious reasons the Planning Commission turned him down but other than that we haven't fielded complaints for other businesses.

Commissioner Blank stated he has something to ask City Planner Brian Varricchione regarding people claiming that they did not receive notice, but you say that everybody has that is in there. He is almost in favor of asking for a continuance and a re-mailing of that area just to see that there is no mail being lost.

City Planner Brian Varricchione replied the Scappoose Municipal Code specifies that the people that receive notice for Type II Home Occupation permits are those within 200 feet of the site. The City has a computerized map system, you select the parcel, you tell it you want everyone within 200 feet and it prints out the mailing labels for all those people so it is very precise. He explained everyone who was entitled to notice, was mailed noticed.

Commissioner Blank stated it was possible that it was sent but not realized or not opened or whatever.

City Planner Brian Varricchione stated no, he believes the situation for most of the people who spoke this evening they were beyond the 200 foot radius.

Commissioner Blank replied okay, just enough to be outside the 200 foot radius.

City Planner Brian Varricchione replied yes, correct, if the lots are 70 feet wide, and if you have 3 lots that is 210 feet.

Commissioner Blank explained he just wanted to verify that before they go in to deliberations, whether or not that is something they had to consider.

Chair Negelspach replied he was going to ask the same thing.

Chair Negelspach closed the hearing for deliberation.

Commissioner Frenz stated this afternoon about 4:30 or so her daughter and her drove down the street because she wanted to see where the house was. She stated there were no children in sight and there were a few cars parked in the street but hardly any, most people were in their driveway or in their garages and she doesn't think we can blame a home occupation because people are having trouble with the park.

Chair Negelspach stated sounds like there might be an issue.

Commissioner Frenz stated they drove partially up and made a “U turn” and came back so they could see the house again and see where it was and there was no problem with traffic at all. She explained they were the only car in sight, driving on the street.

Commissioner Blank stated it seems to him the big concern is the traffic but the problem is based on past experience they are not a traffic generator, this type of business.

Commissioner Frenz replied no they aren’t.

Commissioner Blank replied which is the big issue here, for most concerned. He stated the fact is if a person comes in they have an appointment, they come in, they get it done and then they leave. He stated people don’t line up or wait to come in, those things just don’t happen as reality and if in fact that would happen, they were starting to back up, he is sure the neighbors would let everybody know real fast. He stated so based on some of the previous experiences that we have had, the same exact of kinds of businesses, for him he has already seen how that worked and it worked, he just doesn’t see where it is going to affect them, in fact he thinks it is almost going to be invisible to them after a while and they won’t even realize that the activity is going on and they will have a different feeling about it. He stated he can understand their concern now, he can understand why they would feel that way because it is an unknown but reality is what we have seen in the past this is not an issue that he knows of.

Commissioner Torres stated he agrees with what Commissioner Blank is saying and on top of that she also has an 8<sup>th</sup> grader so he would imagine she is just as concerned with traffic as anybody else is so he thinks the traffic that is a concern is outside the realm of what we have to deal with. He stated that is a park issue and that is something the City needs to deal with.

Commissioner Blank stated she didn’t state it, but being one that has a child and during the time his child was in the 8<sup>th</sup> grade there were still activities and still things to do. He explained he usually not going to be home in those late hours, he would be with his family doing things as apposed to spending his time running a business.

Commissioner Cairns stated this is kind of hard for him because his street is very similar to this street. He explained everybody seems to go around it. He has chased people down his street because they were speeding and throwing bottles in his yard so he can kind of really relate to what they are saying but yet again he agrees with Commissioner Blank that he doesn’t think they will even notice it after a short period of time. He explained they had two businesses open on his street and you wouldn’t even know it and this is two entirely different types of business than this.

Chair Negelspach asked if they are limited to six customers as well.

Commissioner Cairns replied yes.

Chair Negelspach replied he agrees with Commissioner Torres that the park issue seems to be the concern but it needs to be addressed to the City.



Commissioner Blank stated he would just say for all practical purposes as the code shows and the City has looked at, most of these sections are satisfied and the recommendation with conditions of approval which overcomes anything else but the applicant would need to meet the application requirements based on what he reads here too.

Commissioner Cairns stated he wants to correct himself one of those businesses is allowed six customers and the other is not allowed any customers.

Chair Negelspach stated he can't see anything in the code for the testimony that he heard that wouldn't allow this and the applicant is doing a pretty good job at addressing the issues.

Chair Negelspach stated if we don't have any other comments.

Commissioner Dackins replied no comment.

Chair Negelspach asked if someone would like to entertain a motion.

Commissioner Torres moved and Commissioner Dackins seconded the motion to approve an application from Starla Gebbie for a Type II Home Occupation Permit (HO10-10). Motion passed (7-0). Chair Negelspach, aye; Commissioner Dackins, aye; Commissioner Blank, aye; Commissioner Frenz, aye; Commissioner Torres, aye; Commissioner Cairns, aye and Commissioner McGarry.

Commissioner Blank stated the process goes forward and if you have any issues let the City know.

There was a neighbor who was in attendance and didn't understand the process. She thought only people who were opposed could speak. She feels for what the neighbors said the City maybe needs to look at the park more, not the hair salon. She feels in the summer time the Police Department need to come by the park more frequently and get out of their patrol cars and walk the park. She stated this is going to be less traffic then the day cares that use to be in the neighborhood. She stated all the parking on the street is all legal parking.

Chair Negelspach stated he apologies, next time he will make it more clear that proponents means those in favor.

## **COMMUNICATIONS**

Calendar Check ~ next meeting May 27, 2010

### **Commission Comments**

Commissioner Blank stated based on what happened this evening he was really surprised there was so much time spent on it, he didn't think it was going to be that difficult. He stated he can understand where they are coming from but at the same time they just do not realize this type of

business is not going to be pulling in lots of people.

Commissioner McGarry was wondering about the 200 foot rule being pushed out further.

Commissioner Blank stated the official kick off for Farmers Market is May 15, 2010.

Chair Negelspace asked about the letter from the Planning Commission to the City Council. City Planner Brian Varricchione will check with City Manager Hanken regarding that.

Chair Negelspace asked about the appointment of the City's representative as the Columbia County Economic Development Commissioner, did they approve somebody. City Planner Brian Varricchione replied he thinks it might be Mayor Burge, but he is not sure.

Commissioner Blank explained the Economic Opportunity Analysis (EOA) adhoc committee will be having an open house on May 5 from 6:00 p.m. to 8:00 p.m. located in the Council Chambers at Scappoose City Hall.

### **Staff Comments**

City Planner Brian Varricchione stated as Commissioner McGarry was saying if the Planning Commission would like to change the 200 foot notice radius he could look at some other cities to see what they do and bring that back to the Planning Commission. He explained they did mail notice to 21 property owners.

Commissioner McGarry stated based on the size of the development shouldn't the notice radius be bigger since it would have a bigger impact.

City Planner Brian Varricchione replied it is actually based on the type of application.

### **Adjournment**

Chair Negelspace adjourned the meeting at 8:23 p.m.

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Chair Negelspace

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Susan M. Reeves, CMC  
City Recorder