

**Jeff and Laurie Mapes
33973 SE Oakridge Dr.
Scappoose OR 97056**

July 15, 2024

Columbia County Land Use Planning Commission
Columbia County Land Development Services
230 Strand St.
St. Helens OR 97051

Re: File # CU 23-12, Application by George Bartholomew Hafeman III for a Conditional Use Permit for a home occupation at 51600 SE 9th Street, Scappoose, Oregon

To the Planning Commission:

This letter and attachment are our “response period” submittal regarding CU 23-12. Please note that we do not speak for any of the people near Applicant who have opposed his application other than ourselves. For our part, this submission is intended as, and hopefully will prove to be, our last involvement in this matter.

Attached is a document titled “Hafeman CU 23-12 Conditions of Approval for 7/15/2024 Filing” (referred to as “Neighbors’ Agreement” in this letter). The Neighbors’ Agreement uses the Staff Report as a foundation and now reflects proposed changes which are the product of considerable effort by Applicant and us (referred to as “neighbors” in this letter) to create conditions for the home occupation permit the neighbors can both accept. We understand Applicant will be attaching this same document to his submission today.

We implore the Planning Staff and Commission to accept the Neighbors’ Agreement exactly as written for multiple reasons, including -

- The Neighbors’ Agreement exemplifies the best of what the Columbia County Land Development Services should hope for from the property owners - **neighbors acting in good faith to attempt to avoid future disputes** by anticipating problems, engaging in good faith discussions and reaching agreements reflected in specific and clearly described conditions to address those matters.
- **Reflects “give and take” from neighbors.** Assuming Applicant fulfills other dictates of the Staff Report (matters we have not been involved in such as permitting of buildings, etc.) then property very near our home will become an event center. This is not the outcome we desire for many reasons already expressed including that our neighborhood will change from its peaceful and quiet nature to now having commercial events which

will occur many more times per year than we believe appropriate. Further, the reality is that Columbia County will not have the staffing to monitor compliance (such as the number of large events, number of guests, noise, whether the event is substantially in the barn, etc.), especially during weekends and evenings when most events are expected to be held. Applicant, in turn, has agreed to conditions which address many of our concerns through, for example, providing notice of the large events, monitoring sound levels, and committing to descriptions drafted as clearly as possible regarding exactly which part of the event will involve outdoor activities.

- **Each condition and each word in the Neighbors' Agreement has been painstakingly discussed, tweaked and eventually accepted by the neighbors.**
- We understand Applicant will submit today a revised Noise Control Plan that calls for a noise level measurement to be taken twice during events. We further understand Applicant is investigating equipment that would record continuous measurements throughout an event. A constant log accomplishes many desirable results. It may provide Applicant with proof to show he did not violate noise limits should anyone challenge his compliance, and if there are times during an event that a constant log shows he did fall out of compliance then Applicant will have information guiding how he can adapt his practices to avoid future violations. Again, because we want to participate in good faith and not unduly delay this matter, we are agreeing to the Neighbors' Agreement absent seeing a final plan that we hope will provide for continuous monitoring and recording of noise levels throughout the duration of events.
- **We will not plan to further object or appeal the Planning Commission's issuance of Applicant's home occupation permit if the Neighbors' Agreement is adopted as written.** Obviously the Neighbors' Agreement reflects the neighbors' hard-earned agreement and any change in language from what the neighbors have agreed to results in there no longer being an agreement among neighbors.

Thank you.

Sincerely,
Laurie and Jeff Mapes

Hafeman CU 23-12

Conditions of Approval for 7/15/2024 Filing

Condition 1: Applicant proposes no changes to Condition 1 in the Staff Report.

Condition 2: Applicant proposes no changes to Condition 2 in the Staff Report.

Condition 3: Applicant proposes no changes to Condition 3 in the Staff Report.

Condition 4: No more than five persons/employees required to support an event shall be on site at any one time. This includes without limitation the property owner, ~~band members~~ musicians, auctioneers, vendors, and any food and beverage servers, all of whom are considered as employees and agents, independent contractors, and staff persons of independent contractors, pursuant to the requirements in Section 1507.2(B) of the County Zoning Ordinance and ORS 215.448(1)(b).

Condition 5: ~~The number of persons attending any single event, other than the maximum five (5) persons involved in producing the event, may not exceed 60. Applicant may hold up to 35 events as follows:~~

Weddings. Up to 15 wedding days per year with up to 60 guests. Pre-event preparation would begin around 12 pm with dancing ending at 9 pm, all sound ceasing at 9:30 pm, and all guests off property by 10 pm.

Commercial events. Up to 4 large commercial events per year with up to 60 guests. Events may include celebrations (baby showers, memorials, birthdays), acoustic jazz nights, seasonal celebrations (corporate holiday parties), and wine tasting and food- or art-related events. Pre-event preparation would begin around 12 pm with all sound ceasing at 9:30 pm and all guests off property by 10 pm.

Small Events. Up to 10 small commercial events per year with up to 20 guests. Events may include celebrations (baby showers, memorials, birthdays), acoustic jazz nights, seasonal celebrations (corporate holiday parties), and wine tasting and food- or art-related events. Pre-event preparation would begin around 12 pm with all sound ceasing at 9:30 pm and all guests of property by 10 pm.

Fundraisers/Charitable Events. Up to 6 fundraisers or charitable events per year with up to 60 guests. Example of these events are fundraisers for Columbia Food Bank, Scappoose Wrestling, Human Society, or United Way of Columbia County. Pre-event preparation would begin around 12 pm with all sound ceasing at 9:30 pm and all guests of property by 10 pm.

All events shall be single day events; multi-day events are not permitted. All events shall comply with Condition 4.

Condition 6: Per the requirements in Section 1507.3 of the County Zoning Ordinance, the property owner shall hold event “substantially in” the barn and either (1) remove the 3 Accessory structures intended for” wedding party preparation and/or overnight lodging of guests” from the property with demolition permits issued by the County or (2) have these structures approved by

the County Planning and Building Officials for any other permitted ~~non-residential~~ uses normally associated with PA-80 zoned properties.

In addition, for events other than weddings, activities will occur in the barn, and other than dining outside during a meal at the limited outdoor seating on the barn patio on the east side of the barn, walking the Applicant's property and gardens, transporting to and from vehicles, taking photos on the property, use of the bathroom facilities located outside the barn, and other similar, quiet activities, there will be no gatherings of people outside the barn. Use of the outdoor seating on the barn patio is limited to dining during a meal; no other gatherings or activities are permitted there. Once the meal is over, guests are expected to return to the inside of the barn.

For wedding events, outdoor activities may include the wedding ceremony limited to approximately thirty minutes, dining outside during a meal at the limited outdoor seating on the barn patio on the east side of the barn, walking the Applicant's property and gardens, transporting to and from vehicles, wedding photos, and use of bathroom facilities located outside the barn, and other similar, quiet activities. Use of the outdoor seating on the barn patio is limited to dining during a meal; no other gatherings or activities are permitted there. Once the meal is over, guests are expected to return to the inside of the barn. There shall be no gathering of people outside the barn other than as specifically described here.

Except for outdoor wedding ceremonies, which are limited to one speaker as noted in Condition 15, amplified live music at any event is limited to a single musician playing a guitar inside the barn.

Condition 7: Applicant proposes no changes to Condition 7 in the Staff Report.

Condition 8: The property owners shall be required to either apply for the appropriate Demolition Permit(s) to relocate or remove any structures that are closer than 30' from any property line or to submit the necessary Variance Applications for the county to review and approve these non-conforming structures pursuant to the provisions in Section 1504 of the County Zoning Ordinance.

A. The County shall review and approve all Variance Applications prior to the acceptance of any related building permits for said structures.

Condition 9: Applicant proposes no changes to Condition 9 in the Staff Report.

Condition 10: The County Building Official and Scappoose Fire District shall review and approve an On-Site Parking Plan for compliance with the criteria in Sections 1405, 1408, and 1410 related to Plans Required, Design Standards and Size for guests and vendors for up to 10 parking stalls.

Condition 11: Applicant proposes no changes to Condition 11 in the Staff Report.

Condition 12: The property owner shall submit confirmation to the County that the City of Scappoose has approved all Off-Site Parking Facilities and the related Transportation of Venue Attendees for compliancy with Land Use Referral Comments dated May 28, 2024 and the City of Scappoose Municipal Code. In addition, the shuttle bus driver shall announce to event guests

that the shuttle bus will travel through residential neighborhoods and guests must be respectful during transit. The shuttle bus shall not play any music.

Condition 13: Applicant proposes no changes to Condition 13 in the Staff Report.

Condition 14. Sound levels during these events will not exceed those limits imposed by the Columbia County Noise Control Ordinance (Ordinance No. 91-8, October 16, 1991). Noise will not exceed 60 dba between 7 am and 10 pm and will not exceed 50 dba after 10 pm. In addition, Applicant shall adhere to the Noise Control Plan approved under [CU 23-12].

Condition 15: Except for outdoor wedding ceremonies, which shall be limited to one speaker, No no speakers, voice amplification, microphones, electronic musical instruments, or other electronic sound sources are allowed to be used for any events other than sources confined entirely within the interior of existing, enclosed structures the barn. Electronic sources of sound outside of buildings the barn are prohibited, including without limitation sources attached to the exterior of any buildings or coming from automobiles. Speakers located inside the barn shall be directed towards the interior of the barn.

Condition 16: The “Event Terms” ~~terms~~ and conditions of the conditional use and home occupation permit must shall be posted in prominent locations in the barn and on the subject property. Such signage shall be and printed in large enough font to be read easily by event attendees. The Applicant shall also include the Event Terms on the Applicant’s website in a conspicuous manner and in event contracts. The Event Terms and shall include the following:

1. The total numbers of persons attending any event may not exceed 60;
2. The property adjoins residential properties;
3. All persons attending events must ~~behave in a manner~~ be respectful of neighboring residential uses, including abiding by access, parking, and noise limits particularly with regard to noise levels;
4. Event attendees shall not park in the residential neighborhoods adjacent to the Lake House property.
5. Except for outdoor wedding ceremonies limited to approximately thirty minutes, activities at the Lake House must be conducted in the barn except for dining during a meal at the outdoor seating on the patio on the east side of the barn, walking the Lake House property and gardens, transporting to and from vehicles, taking photos on the property, use of the bathroom facilities located outside the barn and other similar, quiet activities. Once a patio meal is over, guests are expected to return to the inside of the barn. There shall be no gathering of people outside the barn other than as specifically described here.
6. Except for outdoor wedding ceremonies limited to approximately thirty minutes, which shall be limited to one speaker, no-No speakers, voice amplification, microphones, electronic musical instruments, or other amplified electronic sound sources are allowed other than sources confined entirely within the interior of existing, enclosed, permitted buildings the barn; and

7. Columbia County retains authority to enforce all conditions of Columbia County Conditional Use Permit 23-12 Approval, including a cease order for violations occurring during an event. Electronic or amplified sources of sound outside of buildings are prohibited, including sources attached to the exterior of buildings or coming from automobiles;
8. The Lake House (meaning its owner, employees and agents), as well as the Lake House's customers and all guests, are responsible for compliance with these Event Terms. If the Lake House, becomes aware of a violation of these Event Terms or any of the conditions of its conditional use permit to hold events, the Lake House must take whatever steps are necessary to either bring the event immediately into compliance or immediately terminate the event.

In addition, Applicant or an event coordinator will be on the premises during an event. The event coordinator will be familiar with the Event Terms. The event coordinator will count towards the maximum of five employees allowed by the Home Occupation permit.

Condition 17: Property owner must provide written notice of each large event (21-60 guests) and its date and time, mailed no less than twenty days before the date of each large event, to owners of record of property on the most recent property tax assessment roll where such property is located within 500 feet of the subject property. The mailed notice shall contain the contact information for the onsite operational contact to report noise concerns.

Condition 18: The property owner shall install "No Trespassing" signs ~~construct a fence or another barrier~~ along the surveyed eastern property line to deter event attendees from trespassing onto and getting injured on the adjacent ~61-acre PA-80 zoned tract.

Condition 19: Applicant proposes no changes to Condition 19 in the Staff Report.

Condition 20: Prior to the commencement of any events, the County Planning Official shall conduct a Site Visit to verify that each of the Conditions of Approval have been satisfied including without limitation, the requirements of Conditions ~~23~~ 16 and ~~25~~ 18 for CU 23-12 have been satisfied related to posted Terms and Conditions of the home occupation permit and the installation of ~~a fence or another barrier~~ "No Trespassing" signs along the surveyed eastern property line.

Condition 21: Applicant proposes no changes to Condition 21 in the Staff Report.

Condition 22: CUP 23-12 is personal to the applicant and shall not be deemed to run with the land.

Amy Herzog

From: Laurie Mapes <lauriemapes2002@yahoo.com>
Sent: Monday, July 15, 2024 4:51 PM
To: Deborah Jacob
Cc: Planning Department.UserGroup; Caroline Cilek
Subject: Hafeman CU 23-12

Dear Ms. Jacob,

Shortly ago, we submitted response comments. Thank you for confirming you received them. Since we submitted the response, we learned that a statement on page 2 of our cover letter needs to be retracted. We stated, " We further understand Applicant is investigating equipment that would record continuous measurements throughout an event."

We since have learned this is not the case. We therefore wish to retract that single statement in our cover letter. We regret our error. Everything else in our submission remains the same, including our belief that a continuous noise monitoring system would be best, for the reasons we explained.

Thank you once again for your assistance. We have copied Ms. Cilek and also the main e-mail address for submissions.

Sincerely,
Laurie & Jeff Mapes

Amy Herzog

From: Anne Tattam <anne.tattam@gmail.com>
Sent: Monday, July 15, 2024 4:27 PM
To: Amy Herzog; Planning Department.UserGroup
Subject: RE: CU 23-12, Lake House Application

Some people who received this message don't often get email from anne.tattam@gmail.com. [Learn why this is important](#)

RE: CU 23-12

To the Columbia County Planning Commission:

We are writing to add our voice to many of our neighbors who live very close to the Lake House and oppose this conditional use permit being granted. We cherish the peace and quiet that our home normally affords us. Having spent time previously living in a different community, one with sirens, parties, loud traffic noise, cars speeding down our residential street, and strangers walking through, the liveability and peacefulness of our current neighborhood means everything to us.

It has been difficult and unsettling to deal with the loud music thumping from the Lake House, noise that can't be shut out by closing our windows or running fans. Cars and a party bus drive up and down our street, looking for the entrance and leaving late at night. We have directed lost Lake House guests when they show up, and have watched them be loud and drunk as they depart. On one occasion a car exited an event at the Lake House, sped north on 9th Street, slammed on its brakes just past our house, opened the passenger door so a party-goer could throw up on the street then slammed the door and sped off. It is hard to see how having things like this happen can have a beneficial impact on our neighborhood or community.

However, even with the Lake House having large, loud events that are detrimental to our enjoyment of our home and our neighbors to theirs, we tried to accept the situation and be good-humored about it. We were under the impression that it was a normal event venue, permitted and legally operating, and that there wasn't anything to be done about the music, traffic, dangerous drivers or general disruption to the neighborhood. But, after reading about an event held in spring 2023 at the Lake House in the Oregonian we realized that it had not been operating legally. After a cease and desist notice was sent by the county and stapled to the entrance, the Lake House continued events before eventually halting business. The need for the community to have a space to celebrate is very much appreciated, but given that The Lake House operated without a permit for years, and initially ignored a cease and desist notice from the county, we are very concerned that if a permit is granted the conditions that come with it won't be followed.

In the Lake House's initial application and in all subsequent communications and supplemental information before the July 1 hearing, the Lake House represented that no guests would be parking on the property, all guests would arrive and leave in the party bus, and only vendors would be permitted to park at the Lake House. Even in that scenario, the City of Scappoose expressed concern about the traffic impact on residential streets. In its most recent proposal iteration, the Lake House wants permission for guest parking on its property. Guests parking at the Lake House or on our residential streets is dangerous, a potential liability for the venue, and disruptive to the neighborhood. Inconsistencies in the applicant's various proposal iterations and multiple unpermitted buildings on the property have also been pointed out in other comments by our neighbors. There is an open compliance investigation and cease and desist order on the venue. This is a concerning history of ignoring laws and steps that exist to keep the community and guests safe and that any other business or homeowner would need to honor, as well as vagueness about what the events will actually be like and what we as neighbors know is permitted and what isn't.

If the permit is approved, which we are not in support of, our main concerns are that no guests park either on the street or at the Lake House itself, all guests take the shuttle and the defined shuttle route is adhered to, no speakers are used

outdoors, and any noise at the Lake House lot line is 60 decibels maximum before 9:30pm and 50 decibels after 9:30pm. We also request that events are actually limited to 60 guests, notice of all events is sent to neighbors, and that all conditions of approval of the permit are verified by the county before allowing any events, and subsequently adhered to by the Lake House.

There have been many comments sent in support of legalizing events at the Lake House, but nearly all of those commenters do not live close to the Lake House and wouldn't be affected day to day if the conditional use permit is granted. It's easy to imagine that many of these commenters would not be as supportive of having the same event venue a few hundred feet from their own homes. And, if there was such a venue right behind their home, they would likely want it to be operating legally and following all the conditions of their permit.

To reiterate the comments of some of our neighbors, in the event of conditional use approval, which we oppose, we request assurance from the county and planning commission that the conditions of approval will all be met and verified before any events take place, and can thereafter be enforced. We also request that the county lay out in writing what recourse and remedies it has to ensure compliance with the permit and that the county revoke the permit if stated conditions are not being met. Finally, we request that the county make clear what recourse we as neighbors will have to ensure compliance. It is not clear that the conditions of a permit would be honored after being granted. Compliance and enforcement options are critical knowledge for the safety and enjoyment of our home and neighborhood. We look forward to hearing from the county in regards to these requests.

Thank you very much for your time and consideration,

Anne Tattam and Nate Koenigsknecht
SE 9th Street
Scappoose OR, 97056