

July 22, 2024

**VIA EMAIL [planning@columbiacountyor.gov](mailto:planning@columbiacountyor.gov) and  
[Deborah.Jacob@columbiacountyor.gov](mailto:Deborah.Jacob@columbiacountyor.gov) and UPS OVERNIGHT MAIL**

Columbia County Planning  
Attn: Deborah Jacob, Senior Planner  
445 Port Avenue  
St. Helens, OR 97051

**Re: Final Legal Argument - The Lake House CU 23-12**

Dear Planning Commission:

On behalf of Bart Hafeman, (“Applicant”), Davis Wright Tremaine LLP appreciates the opportunity to provide you this final legal argument. This letter provides a summary of the issues raised before the Planning Commission, the steps Applicant took to address the raised issues, and proposed findings to support the Planning Commission’s approval of the proposed use.

### **Summary of Issues Raised before Planning Commission**

The issues raised before the Planning Commission fall into several categories, (1) amplified and attenuated sound; (2) inside versus outside activities; (3) parking and shuttle bus; and (4) a catch all, neighborhood compatibility that touches on the first three categories. Applicant negotiated condition language with Mr. and Mrs. Mapes that resulted in the stipulated condition language provided during the rebuttal period. Negotiated conditions ensure that the County will be able to enforce the limits on the proposed use.

- *Limits on Amplified Sound.* Public comments identified concerns regarding past noise from Lake House events. Applicant proposes several conditions of approval to limit noise for surrounding residential uses.
  - Condition 14 establishes a Noise Management Control Plan that provides two noise measurement per large event, a log of noise measurements, and a map of measurement locations. The log would be kept onsite and available for inspection.

- Property owners located within 500 feet of the Lake House property would be given the contact information for the operational manager should there be a noise concern.
- Condition 15 limits outdoor amplified sound to outdoor weddings (approximately 15-30 minutes), with one speaker. Otherwise, no outdoor amplified sound is permitted. In addition, speakers located inside the barn must be directed towards the interior of the barn.
- Condition 16, which provides “Event Terms,” provides for a similar restriction and ensures that event guests are informed of this limitation through signage on the property, inclusion in contracts, and information on the Lake House website.
- *Inside versus Outside Activities.* A home occupation must be held “substantially in” a permissible building or structure.
  - Condition 6 establishes the types of activities that will occur in the barn and the limited types of activities that may occur outside the barn. For example, 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, located on the east side of the barn, outdoor activities are limited to “quiet” activities such as walking the Applicant’s property and gardens, transporting to and from vehicles, taking photos, etc. For wedding events, outdoor activities also include the wedding ceremony.
- *Neighborhood Parking.* Public comments identified concerns regarding guests parking in residential areas adjacent to the Lake House. Applicant proposes a condition to address these concerns.
  - Condition 16, which provides the Event Terms, informs guests not to park in residential areas adjacent to the Lake House. The Event Terms ensures that guests are informed of this limitation through signage on the property, inclusion in contracts, and information on the Lake House website.
- *Off-site Guest Parking and Shuttle Bus.* Public comments identified concerns regarding off-site guest parking and the use of the shuttle bus traveling through a residential neighborhood. Applicant proposes a condition to address these concerns.
  - Condition 12 requires Applicant to obtain approval from the City of Scappoose for an off-site parking facility to provide shuttle bus service to and from the Lake House. Relatedly, Condition 20 requires Condition 12 to be met prior to operation.

- Condition 12 requires the shuttle bus driver to announce to event guests that the shuttle bus will travel through residential neighborhoods and that guests must be respectful during transit.
- Condition 12 prohibits the shuttle bus from playing any music to be respectful of the neighborhood.
- *Enforcement of the Conditions of Approval.* Public comments asked how conditions will be enforced. Applicant proposes several conditions of approval to address this concern.
  - Condition 16, which provides the Event Terms, states that Applicant and guests are responsible for compliance with the Event Terms, and should any person become aware of a violation of the terms or the conditional use approval that they take the necessary steps to bring the event into compliance or terminate the event.
  - Condition 16 also states that the County retains authority to enforce all conditions of the permit, including a cease order for violations occurring during an event.
  - Condition 17 requires Applicant to provide written notice prior to each large event (21-60 people) of the date and time no less than 20 days prior to each event to properties within 500 feet of Applicant's property. The mailed notice will contain the contact information for the onsite operation contact to report noise concerns.

### **Proposed Findings for Planning Commission Consideration**

The record contains substantial evidence to support approval of Applicant's proposed use. Applicant prepared the enclosed findings to support the Planning Commission's approval that is based on the record. The proposed findings also identify issues raised before the Planning Commission and discuss how the issues were resolved on the record.

Sincerely,

Davis Wright Tremaine LLP



Caroline A. Cilek

**Findings of Fact, Conclusions of Law and Conditions  
Home Occupation Conditional Use Permit  
for  
Lake House Event Venue  
(File No. CU 23-12)**

**A. Summary of Application and Proposed Use**

Applicant filed a Type II Home Occupation conditional use permit for property located at 51600 SE 9<sup>th</sup> Street in Scappoose, Columbia County. The property is about four one-quarter (4 ¼) acres and is zoned Primary Agriculture-80 (PA-80) under the Columbia County Zoning Ordinance (“CCZO”). The property hosts a personal residence (occupied by Applicant), a barn, lavender farming, gardens, open space and three accessory structures. There is a lake and wetlands on the property. The existing development is served by a private groundwater well and septic system, and is accessed via a flag lot from SE 9<sup>th</sup> Street.

The application requested approval to host weddings and other events on the property as a home occupation using the existing structures and with limited use of the grounds. The nature and extend of the activities approved under this conditional use permit are described as follows:

Nature of Events

- *Wedding Day.* Up to 15 wedding days per year with up to 60 guests and a maximum of 5 employees (including vendors). 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.
- *Other Commercial Events.*
  - *Large Events.* Up to 4 of other commercial events per year with 21-60 guests and maximum of 5 employees (including vendors). Events may include celebrations (baby showers, memorials, birthdays), non-amplified acoustic jazz nights, seasonal celebrations (corporate holiday parties), and wine tasting and food- or art-related events. A venue rental fee or ticket fee would be charged for these 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.
  - *Small Events.* Up to 10 of other commercial events per year with up to 20 guests and a maximum of 5 employees (including vendors). Events may include celebrations (baby showers, memorials, birthdays), non-amplified acoustic jazz nights, seasonal celebrations (corporate holiday parties), and wine tasting and food- or art-related events. A venue rental fee or ticket fee would be charged for these 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 21-60 guests and a maximum of 5 employees (including vendors). 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.

<i>Types of Events</i>	<i>Number of Events</i>	<i>Hours of Operation</i>
Wedding Days	15	12 pm pre-event prep 9:30 pm all sound stops 10 pm everyone off property
Large Commercial Events	4	
Small Commercial Events	10	
Fundraisers/Charitable Events	6	

<i>Types of Events</i>	<i>Number of Events</i>	<i>Maximum Capacity</i>
Wedding Days	15	60 guests/5 vendors and employees
Large Commercial Events	4	60 guests/5 vendors and employees
Small Commercial Events	10	20 guests/3 vendors and employees
Fundraisers/Charitable Events	6	60 guests/5 vendors and employees

Parking and Traffic Management for Events. There are 10 onsite parking spaces with one ADA space as shown on Applicant’s site plan in the record. Vendors and employees will be directed to park onsite for events and will use up to 5 parking spaces. Event guests will use up to 5 parking spaces; Applicant will dedicate these spaces for guests with personal belongings that need to be close at hand, i.e., wedding dresses, cakes, and balloons. Most guests will be directed to park at the shuttle pick-up location, located at 51913 Columbia Highway, Scappoose (“Plaza Parking”). Applicant has a Shared Parking Agreement with the landlord to host the event parking and shuttle operations at the Plaza Parking (included in Attachment 4). The Parking Agreement provides 20 offsite parking spaces (16 standard, 4 ADA). Together, the onsite parking and Parking Agreement provide 21 standard spaces, which is a 3:1 ratio that is common for rural events where guests carpool or arrive in family or friend groups. A parking attendant will arrive at least 1 hour before an event, and guests will be given written instructions for parking and access at Plaza Parking. Applicant will use a consistent shuttle route, as depicted in the Supplemental Information provided by Applicant in the record, for the up to 35 events per year.

Food and Beverage Service. All food and beverage service would be provided by licensed caterers and brought onsite. There is a catering prep area in the Barn.

Noise Control. Applicant proposes to test sound equipment to ensure that sound levels 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 will abide by the Noise Control Management Plan, submitted as a part of Applicant’s rebuttal package.

Sanitation and Drinking Water. Portable toilets are brought in for the events and served regularly by a licensed provider. Five-gallon water dispensers are also brought in for events to supply all drinking water.

Events would rely on the existing structures and improvements on the property, including the barn, accessory buildings, and limited use of outside areas as described in Condition 6.

<i>Existing Structures and Improvements</i>	<i>Proposed Use</i>
The Barn	Hosts events inside the barn, with meal service on the eastern patio; prep area for caterers; office upstairs
Accessory Structure 1	Remove or bring structure into compliance for uses normally associated with PA-80 zoned properties.
Accessory Structure 2	Remove or bring structure into compliance for uses normally associated with PA-80 zoned properties.
Accessory Structure 3	Remove or bring structure into compliance for uses normally associated with PA-80 zoned properties.
Lawn & Outdoor Gardens	Wedding receptions may occur on the lawn by the lake, approximately 15-30 minutes, as described in Condition 6. Outdoor Gardens are limited to activities as described in Condition 6.

**B. Response to CCZO Approval Criteria and Development Standards**

The County adopts the following findings to support approval of the proposed use subject to the conditions set forth in Section C below.

***1. CCZO 307, PA-80 General Review Standards***

*307.1 All uses in the Primary Agriculture Zone shall meet the review standards found in the above enabling Sections 304, 305 or 306. To also ensure compatibility with farming and forestry activities, the Planning Director, hearings body or Planning Commission shall determine that a use authorized by Sections 304, 305, or 306, except as specifically noted, shall meet the following requirements:*

*A. The proposed use will not force a significant change in accepted farm or*

*forest practices on surrounding lands devoted to farm or forest use; and*

*B. The proposed use will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.*

Response: For purposes of this analysis, the surrounding lands are defined as those within a ¼ mile of the property boundaries and shown on Attachment 6 (Surrounding Lands) to the Application in the record. Accepted farming practices on surrounding lands include cultivated fields. No off-site impacts that may impact nearby accepted farming practices were identified; commentors did raise the concern about potential off-site impacts related to compatibility and those comments are addressed below. There is no evidence to indicate that the proposed use would result in significant changes to the ongoing field farming that is occurring on surrounding lands. Similarly, given the lack of off-site impacts to accepted agricultural practices, there are no potential increase in costs of such practices. The County finds that CCZO 307.1 is met.

*307.2 In addition to the requirements in 307.1A. and B., the applicant may demonstrate that the standards for approval will be satisfied by imposing clear and objective conditions to ensure conformance to applicable standards of the proposed PA-80 use.*

Response: Applicant does not propose any condition at this point as the proposal complies with the applicable PA-80 standards. The County agrees that no conditions are needed to address potential impacts to accepted farm practices.

*307.3 For all residential development approved under 305.1 through 305.13, the owner shall sign and record in the deed records a document binding on the landowner and any successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices normally allowed under law.*

Response: This criterion does not apply to Applicant's request because no new residential development is proposed.

## **2. CCZO 308, PA-80 Development Standards**

*308.1 The minimum average lot width shall be 100 feet for all activities except farming and forestry.*

*308.2 The minimum average lot depth shall be 100 feet for all activities except farming and forestry.*

Response: The Property's legal description establishes the property is composed of Parcel 1 and Parcel 2. Parcel 1 is in the unincorporated PA-80 zone within Columbia County with an average width of 667 feet and an average depth of 274 feet. Parcel 2 is in the City of Scappoose and therefore is not subject to this standard. Parcel 1 complies with the PA-80 development standard.

*308.3 All newly created lots or parcels and those with permitted, reviewed or conditional uses, shall have a minimum of 50 foot frontage on a public or private right-of-way and an approved access in accordance with this ordinance, the Columbia County Road Standards and the Rural Transportation System Plan.*

Response: Parcel 2 provides legal access to the property from SE 9<sup>th</sup> Street in the City of Scappoose. This criterion does not apply because the legal access is within the City of Scappoose.

*308.4 Setbacks. The following are minimum setbacks for all buildings and structures. In addition, all structures are subject to any special setback lines, where specified on designated arterial or collectors.*

*A. No structure shall be constructed closer than 30 feet to a property line. In the event the subject property is bordered by a zone with more restrictive setbacks, the more restrictive setback of the adjoining zone shall control on the side of the subject property adjoining the more restrictive setback.*

Response: The June 24, 2024 Staff Report states that Accessory Structure 2 encroaches the 30-foot property line setback requirement by 1-foot. Although the encroachment has not been confirmed by a survey prepared by a professional land surveyor, Applicant proposes to either remove the structure or relocate and bring Accessory Structure 2 into compliance prior to operation. Accessory Structure 1 and 3 will also either be removed or brought into compliance. See Condition 8. On this basis, the County finds that this subpart (A) is met.

*B. Setbacks in wetland areas shall be required in accordance with Sections 1170 and 1180 of the Columbia County Zoning Ordinance.*

Response: The June 24, 2024 Staff Report states that accessory structure 2 encroaches into the identified pond/marsh, emergent plants, seasonally flooded (PEMC) wetlands/lake. Although the encroachment has not been confirmed by a survey prepared by a professional land survey, Applicant proposes to either remove or relocate and bring Accessory Structure 2 into compliance prior to operation. See Condition 8.

In addition, Applicant will abide by Condition 7 which requires Applicant to submit a Wetlands Delineation to the Oregon Department of State Lands for their review and approval should Applicant seek to maintain a structure in the wetland. Applicant also agrees to provide a survey prepared by a professional land surveyor of the property that identifies the locations of all site development in relation to the delineated wetlands and property lines to ensure all structures comply with the DSL and Columbia County's minimum locational requirements from wetlands and property lines. For these reasons, the County finds that subpart (B) is met.

*308.5 Height. There shall be a height limitation of 100 feet in the PA-80 Zone for farm use structures, except for on those lands containing abandoned mill sites that were rezoned to industrial uses pursuant to ORS 197.719 or are subject to Airport Overlay Zone, or any structure which has received a conditional use or variance approval which allows a greater height of said*



*structure. Unless otherwise prohibited, the maximum building height for all non-farm, non-forest structures shall be 50 feet or 2½ stories, whichever is less.*

Response: Applicant proposes no new structures on the property. All existing structures are below 50 feet or 2 ½ stories. This standard is met.

*308.6 Signs. The standards and requirements described in Section 1300 of the Columbia County Zoning Ordinance shall apply to all signs and name plates in the Exclusive Farm Use Zone.*

Response: Applicant proposes one sign along the public right-of-way of SE 9<sup>th</sup> Street on Applicant's private property, located in the City of Scappoose. Applicant will comply with the City of Scappoose Development Code Section 17.114.035 Signage within Residential Zones. As such, CCZO 308.6 does not apply to Applicant's proposal.

*308.7 The Oregon Department of Fish & Wildlife shall be notified and provided with the opportunity to comment on any development within a Goal 5 protected wildlife habitat area.*

Response: The BEAK Map of the Scappoose-Spitzenberg CPAC Area establishes that Applicant's property is not located within a Big Game or Major Waterfowl Habitat. Therefore, this criterion does not apply.

*308.8 Dwellings and other structures to be located on a parcel within designated big game habitat areas pursuant to the provisions of Section 1190 are also subject to the additional siting criteria contained in Section 1190.*

Response: As provided for in 308.7, this criterion does not apply.

### **3. CCZO 1503, Conditional Use Permits**

*1503.5 Granting a Permit: The Commission may grant a Conditional Use Permit after conducting a public hearing, provided the applicant provides evidence substantiating that all the requirements of this ordinance relative to the CU proposed use are satisfied and demonstrates the proposed use also satisfies the following criteria:*

Response: Applicant will obtain the necessary development permits and comply with the conditions of approval prior to operation. See Condition 2 and 20. Relatedly, Applicant recognizes that the conditional use permit may be suspended or revoked if the home occupation no longer complies with any of the conditions of approval or restrictions established by the Planning Commission's approval. See Condition 3. In addition, in response to public comments in the record from the Mapes on July 8, 2024, regarding concerns about the home occupation running with the land, Applicant proposed Condition 22, which establishes the home occupation conditional use permit runs with the Applicant and not the land. For the reasons set forth below, the County finds that Applicant satisfies CCZO 1503.5.

*A. The use is listed as a Conditional Use in the zone which is currently applied to the site;*

Response: Type II Home Occupations are a listed conditional use in the PA-80 zone. This criterion is met.

*B. The use meets the specific criteria established in the underlying zone;*

Response: As discussed above, the proposal meets the applicable PA-80 criteria for approval. This criterion is met.

*C. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features;*

Response: The site is relatively flat with existing vegetation, water and wetland resources, and structures and paving. No new development is proposed as a part of this application. The site is of adequate size to accommodate the proposed onsite parking for vendors and employees and there is adequate space for the proposed number of guests. The proposed activities will take place towards the rear of the property, furthest from the residential neighbors along SE 9<sup>th</sup> Street. Agricultural fields buffer the property from the north, east, and south. For these reasons, the County may find that the characterize of the site is suitable for the proposed use.

*D. The site and proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use;*

Response: No public facilities, except the use of the roadway, is required for this proposed use. All water and sanitary services are provided onsite via the existing septic system and groundwater well or through portable toilets and handwashing stations. The individual trips for the proposed use include vendors and employees (up to 5 per vent) with guests arriving by the Plaza Parking shuttle. The site and the existing infrastructure are adequate to accommodate the proposed use. In addition, Applicant will abide by Condition 1 that requires Applicant to obtain a development construction permit from LDS within two years of the date of approval of the conditional use application.

The County received several public comments from nearby residents about event guests parking in the neighborhood. The County imposes Conditions 12 and 16 to ensure that no parking will occur in the neighborhood vicinity. Event parking can either be accommodated onsite or through a transportation management plan implementing a shuttle service from a designated parking area located within the City of Scappoose. Applicant provided evidence into the record that it has a Parking Agreement for a shuttle parking lot within the City of Scappoose and is working with the City of Scappoose to obtain any necessary permit for the use.

Condition 12 requires the Applicant submit confirmation to the County that the City of Scappoose has approved all off-site parking facilities and address the City's Land Use Referral Comments dated May 28, 2024. In addition, Condition 20 requires prior to the commencement of any events, that a County Planning Official conduct a site visit and verify that Applicant has

satisfied each condition of approval, including off-site parking. As off-site parking must be provided prior to operation, this provision is met.

*E. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district;*

Response: For purposes of this criterion, the “surrounding area” is defined as ¼ mile from the property boundary, shown in Attachment 6 in the Application. The character of the surrounding area includes both residential and agricultural uses. Applicant’s property is located just outside the city limits with some surrounding properties within the city limits and a large portion of the surrounding area located in PA-80 zoning outside the city limits. The property’s underlying zoning is PA-80 but given the proximity to medium density residential within the city limits, Applicant identified potential impacts to such uses under this criterion in addition to uses in the PA-80 zone. On the record, Applicant addressed potential offsite impacts such as traffic, neighborhood parking, amplified and attenuated sound, and screening/trespass. The County finds that Applicant has sufficient addressed the criterion and raised concerns.

Traffic will be minimized through the use of the Plaza Parking shuttle and implementation of Applicant’s parking and transportation management plan described under subpart (D) above. The County finds that the plan and conditions adequately address traffic and neighborhood parking concerns.

With respect to noise, in response to public comments, Applicant proposed a Noise Management Control Plan. The plan requires Applicant to conduct two noise level readings per large event to monitor noise and manage offsite impacts. All monitoring will be recorded and maintained onsite. Per Columbia County requirements, noise shall not exceed limits imposed by the Columbia County Noise Control Ordinance (Ordinance No. 91-8, October 16, 1991). Specifically, Lake House event noise levels will not exceed 60 dba between 7 am and 9:30 pm. See Condition 14. In addition, outdoor amplified sound will only occur during wedding ceremonies. Specifically, outdoor amplified sound would be used when the wedding party arrives and leaves the ceremony and for the wedding officiant. In both cases, Applicant will limit amplification to one speaker that will be pointed towards the southeast, which is away from all residential areas. As described above, 15 wedding events are requested and wedding ceremonies are typically 15-30 minutes. Wedding ceremonies are typically held in the late afternoon or early evening and not after sunset. The short time frame will help reduce noise impacts to the surrounding residential uses. In contrast, music played during the reception and music for dancing will be played inside the barn. Toasts given during the reception will also occur in the barn. See Condition 15.

With respect to screening, Applicant’s property largely surrounded by vegetation on all sides, providing a visual and noise buffer. With respect to trespass, Applicant addressed the Mapes concerns about the potential liability from Lake House guests trespassing onto their adjacent Primary Agricultural-80 lands and becoming injured due to steep banks along the Santosh

Slough. Conditions 18 and 20 require Applicant to install “No Trespassing” signs along the surveyed eastern property boundary that will inform Lake House guests to not trespass.

Finally, Condition 6, which addresses the requirement that events are held “substantially in” the barn, limits the types of outdoor activities to “quiet” activities and are not group activities, such as dancing.

For these reasons and those provided under CCZO 1507.3(B) which are incorporated herein, the County finds that none of the potential offsite impacts individually or collectively will alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the neighbors’ ongoing use. Subpart (E) is met, and the County imposes Condition 5 that limits the size and time of events, Condition 6 that requires events are held “substantially in” the barn and specifies limits on outdoor activities, Condition 12 that ensures shuttle bus riders are informed of their travel through residential neighborhoods, and Conditions 14 and 15 which address noise and amplified sound limits to ensure ongoing compliance and enforcement.

*F. The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use;*

Response: The Columbia County Comprehensive Plan is implemented through the CCZO. Applicant demonstrated that the proposed use complies with the applicable provisions of the CCZO governing the PA-80 zone and other resource protection provisions. No one raised consistent with the Comprehensive Plan on the record and the County finds that the proposal is consistent with this criterion.

*G. The proposal will not create any hazardous conditions.*

Response: Applicant must comply with all building code requirements for the continued use of the buildings. One commenter raised concerns about trespass and wetland presenting a hazardous situation. As discussed under CCZO 307.1, Applicant will install “No trespassing” signage to inform guests not to trespass onto neighboring properties which contain steep slopes and wetland areas. See Conditions 18 and 20. The County finds that subpart (G) is met.

#### **4. CCZO 1507, Home Occupations**

*1507.2 Type 2: A Type 2 home occupation is reviewed as a Conditional Use by the Planning Commission and may be visible to the neighborhood in which it is located. In addition to the general criteria in Subsection 1507.3, the following criteria shall apply to a Type 2 home occupation:*

*A. It shall be operated by a resident or employee of a resident of the property on which the business is located.*

Response: Applicant lives on the property and will operate the home occupation. This standard is met.

*B. It shall employ on the site no more than five full-time or part-time persons.*

Response: Applicant acknowledges the limit on employees and confirms that the maximum number of on-site employees will be 5 people for all event types. For example, employees may include the Applicant, vendors, musicians, and independent contractors. See Condition 4. This standard is met.

*C. Signs are permitted as per Section 1300 of the CCZO.*

Response: Applicant addresses signage requirements above under the CCZO 308.6 above.

*1507.3 The following criteria shall apply to all home occupations:*

*A. A home occupation shall be operated substantially in: 1. The dwelling; or 2. Other buildings normally associated with uses permitted in the zone in which the property is located.*

Response: Applicant stated the proposed home occupation will occur substantially in the existing barn on the property and, if brought into compliance, to a lesser extent other accessory structures (for pre and post event use). The barn, as evidenced from the photos submitted into the record, has the look and feel of a barn on a farm with wood siding, cement slab floors, wood interior and benches, and the like. The accessory structures are outbuildings used for art/music/writing studio space. Applicant will work with the County to ensure that the use of these buildings complies with building code as evidenced by Attachment 7 of the Application.

Neighbors raised concerns during the public comment period related to the Applicant not holding events “substantially in” a building normally associated with uses permitted in the PA-80 zone (Mapes Letter, June 3, 2024). Applicant provided a response letter to staff dated June 21, 2024. To respond to neighbor concerns Applicant engaged with the Mapes to collaboratively address such concerns. This effort resulted in a recommended condition of approval that the County adopts as Condition 6. Condition 6 provides:

**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.

Applicant may use accessory structures that are "normally associated" with a "use[] permitted" in the PA-80 zoning district if they are brought into compliance with setback and other development standards.

*B. A home occupation shall not unreasonably interfere with other uses permitted in the zone in which the property is located.*

Response: The proposed home occupation is in the PA-80 zone and adjacent to residential neighborhoods located in the City of Scappoose. Public comments submitted to the record identified concerns related to noise from amplified sound, noise and trips related to the shuttle bus, guests parking along neighborhood streets, and how conditions will be enforced for future events.

A summary of the public comments received are summarized below:

- Mapes Letters, dated June 3, 2024 and July 8, 2024. Neighbors raised concerns related to noise and amplified sounds from Lake House events; events being substantially inside; neighborhood compatibility; and enforceability of conditions.
- Chris McCartney Email, dated July 1, 2024. Neighbor raised concerns about guest parking in the neighborhood, neighborhood compatibility, and attenuated sound.
- Erin M. La Voie Email, dated July 2, 2024. Neighbor raised concerns about attenuated sound and enforcement of conditions.

- Sasha Tinning Email, dated July 5, 2024. Neighbor raised concerns about the shuttle being a party bus, neighborhood parking, neighborhood compatibility, and attenuated sound.
- Cheryl Otis Email, July 6, 2024. Neighbor raised concerns about traffic volumes, neighborhood compatibility, and attenuated sound.

Applicant responded to public comments on the record and provided supplemental evidence. In addition, Applicant reached out to the Mapes to try to resolve concerns and agree on stipulated condition language. The County finds that Applicant has carried its burden to demonstrate that the proposed use will not unreasonably interfere with other uses in the neighborhood.

In response to public comments, Applicant proposed additional conditions in its July 15, 2024 rebuttal filing to specifically address the concerns expressed by neighbors in the City of Scappoose with the goal of improving the compatibility with surrounding residential uses. In addition, during the rebuttal period, Applicant developed a set of proposed conditions with Mr. and Mrs. Mapes to support good neighbor relations. Applicant and the Mapes stated these conditions reflected meaningful compromises on the part of both parties.

*Event Activities with Amplified Sound:* To address concerns regarding amplified sound, Condition 15 provides that Applicant may use amplified sound for outdoor wedding ceremonies (limited to one speaker) and restricts the use of other amplified sound sources during events. Music speakers in the barn must be directed towards the interior of the barn. Condition 16 provides a list of “Event Terms” which must be posted on the property in a manner that is easy for guests to read, included in Lake House contracts with its clients, and posted on the Applicant’s Lake House website. Condition 15 is included in the Event Terms so that guests will be aware of the limitations on amplified sound during events.

*Off-site Parking and Shuttle Bus:* To address public comments from neighbors concerned about guests parking in the neighborhood, Applicant stated it has a signed Parking Agreement with the property owners of Hafeman Plaza for 20 parking spaces (16 regular and 4 ADA). In addition, Applicant requested at the July 1, 2024 Planning Commission hearing that 5 of the 10 parking spaces on the Lake House property may be used by guests. According to the Applicant, these parking spaces would be limited to event guests that need to be close to their personal belongings, i.e., bridal party with dresses or family members bringing a cake and decorations for a birthday celebration. Together, the Parking Agreement and on-site parking provide 21 regular and 4 ADA spaces. This provides a 3:1 ratio that is common for rural events where guests carpool or arrive in family or friend groups.

Further, to ensure that event guests do not park in the neighborhood adjacent to the Lake House, Applicant proposed Condition 16, regarding the Event Terms, which states, “Event attendees shall not park in the residential neighborhoods adjacent to the Lake House property.” This requirement would be on signage posted on the Lake House property, included in Lake House contracts with its clients, and included on the Lake House website. According to the Applicant, the goal is to inform guests through multiple sources that parking in the neighborhood is not permitted.

Finally, to address concerns about a noisy shuttle bus, Applicant proposed additions to Condition 12, which requires the shuttle bus driver to inform event guests that the shuttle bus will travel through residential neighborhoods, and guests must be respectful during transit. In addition, Condition 12 requires that the shuttle bus does not play any music. These conditions will provide that guests are informed of their route and to promote a respectful environment.

*Enforcement of Conditions:* To address concerns related to enforcement, Applicant proposed several measures to ensure ongoing compliance. First, Condition 16, which provides the Event Terms, provides that “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.” This will allow the County to enforce all conditions at any time. Condition 16 also requires the Applicant and Lake House guests to ensure compliance with the Event Terms. Specifically, if the Applicant or Lake House guests become aware of a violation of the 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.

Relatedly, Condition 17 provides that Applicant 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. This condition ensures that neighbors are informed of event dates and are provided a contact number for noise concerns.

#### ***5. CCZO 1100, Flood Hazard Overlay***

The majority of the property is located within the Special Flood Hazard Area – Zone A, as shown on Attachment 3 of the Application. No new development is proposed. If required, Applicant will apply for Floodplain Development permits required under CCZO 1100, as appropriate. See Condition 7.

#### ***6. CCZO 1170, Riparian Corridors, Wetlands, Water Quality, and Fish and Wildlife Habitat Protection Overlay Zone***

Attachment 3 of the Application shows the boundaries for Flood Hazard Area – Zone A and the wetlands located on the property. Applicant may submit a Wetlands Delineation to the Oregon DSL for review and approval for a dock, if required. Upon such Approval, Applicant will provide the DSL Wetland Delineation to LDS for review concurrent with any building permits associated with the conditional use, if applicable.

#### ***7. CCZO 1400, Off-Street Parking***

Applicant proposes 10 onsite parking spaces with 1 ADA parking space. Vendors and employees will be directed to park onsite for events and will use up to 5 parking spaces. Event guests will use up to 5 parking spaces; Applicant will dedicate these spaces for guests with personal



belongings that need to be close at hand, i.e., wedding dresses, cakes, and balloons. Onsite parking will meet the ADA requirement in CCZO 1415.1. All onsite parking is on dust-free surfaces and accessibility to the event areas.

Most guests will be directed to park at the shuttle pick-up location, located at 51913 Columbia Highway, Scappoose (“Plaza Parking”), as shown on Attachment 4 of the Application. See CCZO 1507.3(B) findings which are incorporated here to support findings of approval under CCZO 1400. Applicant has a Shared Parking Agreement with the landlord to host the event parking and shuttle operations at the Plaza Parking (included in Attachment 4). The Parking Agreement provides 20 offsite parking spaces (16 standard, 4 ADA). Together, the onsite parking and Parking Agreement provide 21 standard spaces, which is a 3:1 ratio that is common for rural events where guests carpool or arrive in family or friend groups. A parking attendant will arrive at least 1 hour before an event, and guests will be given written instructions for parking and access at Plaza Parking. Applicant will use a consistent approved shuttle route, as depicted in Attachment 5 of the Application, for the up to 35 events per year.

For these reasons and those presented in CCZO 1507.3(B) which are incorporated herein, the County finds that the proposal meets the required off-street parking standards, including CCZO 1417 and 1404.

## Hafeman CU 23-12

### Conditions of Approval for Planning Commission Consideration

**Condition 1:** This Conditional Use Permit shall remain valid for two (2) years from the date of the final decision per Section 307.4 of the County Zoning Ordinance. At a minimum, a development construction permit must be issued by Land Development Services within the approval period. If a construction permit is not issued within the approval period, the land use permit expires. An extension of one (1) year on the approval period may be granted by the Planning Director if a written request and payment is received prior to the approval's expiration and the reason for the delay is beyond the control of the owner.

**Condition 2:** The property owner is prohibited from holding any onsite events until such time that the County has confirmation that all conditions, restrictions and modifications identified herein have been satisfied, and all necessary improvements have been reviewed and approved by the County and City of Scappoose, as applicable.

**Condition 3:** Pursuant to Section 1504.3 of the County Zoning Ordinance, the Type II Home Occupation authorized with the Planning Commission's review and approval of CU 23-12 may be suspended or revoked by the Planning Commission when the authorized use and development no longer comply with any imposed condition or restriction identified herein.

**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:** 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 uses normally associated with PA-80 zoned properties.

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 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 compliance 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:** The County Sanitarian shall review and approve an Authorization Notice for the change in use of the site's existing septic system. All necessary modifications or improvements shall be installed prior to occupancy of any structure.

**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 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 the barn. Electronic sources of sound outside of 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" and conditions of the conditional use and home occupation permit 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 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 be respectful of neighboring residential uses, including abiding by access, parking, and noise limits;
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-speakers, voice amplification, microphones, electronic musical instruments, or other amplified electronic sound sources are allowed other than sources confined entirely within the interior of 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.
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 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 16 and 18 for CU 23-12 have been satisfied related to posted Terms and Conditions of the home occupation permit and the installation of "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.

## 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.