

July 8, 2024

VIA Email – Deborah.Jacob@columbiacountvor.gov

Columbia County Land Development Services
c/o Deborah Jacob
230 Strand St
St. Helens, OR 97051

Re: Comments on County's Findings and Conditions of Approval for Hafeman CU 23-12

Dear Ms. Jacob:

On behalf of Bart Hafeman (“Applicant”), Davis Wright Tremaine LLP hereby submits the attached comments on the Findings of Fact and Conditions of Approval in Columbia County’s Staff Report for File No. CU 23-12 – Application for Conditional Use Permit Home Occupation. Applicant’s comments are based on the following:

- Applicant’s application narrative, dated February 5, 2024;
- Applicant’s Letter in Response to the Mapes Public Comments, dated June 21, 2024;
- Applicant’s proposed Findings of Fact and Conditions of Approval provided at the Planning Commission public hearing on July 1, 2024; and
- Mapes Response to Applicant’s Letter, dated July 1, 2024.

In addition to the comments on the Findings and Conditions, Applicant submits a draft noise control plan that provides a means to monitor noise during events at the Lake House.

Applicant’s intention is to obtain County approval to operate a successful event venue that is compatible with surrounding uses. Applicant recognizes that there are likely several issues that require continued engagement and therefore welcomes feedback on our comments and the draft noise control plan. Specifically, following the initial filing date, Applicant seeks to meet with the Mapes to discuss their feedback and to see if agreement can be reached on any revisions. Please let me know if you have any questions.

Sincerely,

Davis Wright Tremaine LLP



Caroline A. Cilek

cc: Client

Hafeman CU 23-12

Applicant's Comments on Staff's Recommended

Findings of Fact and Conditions of Approval

July 8, 2024 – Open Record Filing

I. Project Description and Clarification of Request

Applicant's property is located at 51600 SE 9th St., Scappoose, OR 97056 and is accessed via a flag lot from SE 9th Street, which extends into the City of Scappoose ("City"). The property is about four and 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, gardens, open space, and three accessory structures. The property includes wetlands and a man-made lake. The property is in the Flood Hazard Overlay Zone (FH), Zone A. The existing development is served by a private groundwater well and septic system.

Applicant seeks approval to host weddings and other events, such as baby showers, memorials, birthday celebrations, corporate holiday gatherings, and fundraising events at the Lake House. Applicant will use the barn for events and to a much lesser degree, outdoor spaces on the property. Applicant requests includes 15 weddings, 4 large commercial events, and 6 fundraiser events with up to 60 guests, and 10 small commercial events with up to 20 guests a year (35 events per year). No more than five employees would be employed for any event, and events would occur between the hours of 12:00 pm and 9:30 pm, with all guests off the property by 10:00 pm. Applicant will use a shuttle service to transport most guests on and off the property. Applicant is coordinating with the City on approval of the guest parking location, which will accommodate parking for up to 60 guests and will include shuttle routes and signage.

Applicant previously requested approval to use the three accessory structures for overnight wedding lodging. During the July 1, 2024, Planning Commission hearing, Applicant removed this element of the project – no overnight wedding lodging is now proposed. Further, Applicant plans to remove or bring Accessory Buildings into compliances. Specifically, Applicant seeks to relocate Accessory Building 2 and use it as a place for brides to prepare for a wedding. Applicant understands that Accessory Building 2 will need to be detached from the existing dock to comply with state and county requirements. Further, Applicant is aware that the dock must either be removed or the proper permits will need to be obtained from the county and the Oregon Department of State Lands. Applicant will continue to coordinate with the County on this compliance measure.

In these comments, Applicant proposes revisions in a strikethrough (language to be removed) and underline (language to be added) format to the Findings of Fact and Conditions of Approval presented in the Staff Report dated June 24, 2024 ("Staff Report"). For the sake of brevity, this filing does not include all discussions or analysis provided in the Staff Report. CCZO code sections are provided throughout for ease of reference.

Applicant's comments on the Staff Report's Findings of Fact and Conditions of Approval are based on Applicant's application narrative, dated February 5, 2024, Applicant's Letter in

Response to the Mapes Public Comments, dated June 21, 2024, Applicant’s proposed Findings of Fact and Conditions of Approval provided at the Planning Commission hearing on July 1, 2024, and the Mapes Response to Applicant’s Letter, dated July 1, 2024. Applicant’s intention is to obtain County approval to operate a successful event venue that is compatible with surrounding uses.

II. Findings of Fact

COMMERCIAL ACTIVITIES – 306 CUP

306.1 *Type II Home Occupations, as defined by and subject to Section 1507, may be allowed pursuant to Sections 307, 308 and 1503 with an associated public hearing.*

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

307 General Review Standards.

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

Finding 2: [Discussion] Upon reviewing the authorized PA-80 uses, natural wetlands as well as the Santosh Slough on the neighbor’s adjacent ~61-acre tract, and with the neighbors’ expressed liability concerns, staff finds that the Planning Commission has the authority to require the applicant/property owner to install “No Trespassing” signs ~~a fence or another identifiable barrier~~ along the subject property’s surveyed eastern property line as one condition of approval. Staff finds that this condition of approval is consistent with the requirements in Section 307.1(B) and will help to ensure the costs of accepted farming practices on the adjacent PA-80 tract will not significantly increase, while at the same time protecting the safety of event attendees.

- .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.

Finding 3: Staff finds that by requiring the installation of “No Trespassing” signs ~~a fence or another identifiable barrier~~ on the subject property’s eastern border, will serve as a clear and objective condition to sufficiently potential liability concerns that could potentially impact costs or accepted farming practices on lands devoted to farm or forest use, consistent with this provision of the CCZO.

- .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.*

Finding 4: Applicant proposes no changes to Finding 4 in the Staff Report.

- .4 *Permit Expiration:*
- A. *For any discretionary decision under Sections 305 and 306, except as provided for in Subsection 307.5 below, if not within an urban growth area, the approval period for development is void two (2) years from the date of final decision if a development permit is not issued by Land Development Services;*
 - B. *The Director may grant extensions of up to one year if the applicant requests an extension in writing prior to the approval period expiration and it is determined that the applicant was not able to begin or continue development during the approval period for reasons which the applicant was not responsible;*
 - C. *Approval of an extension granted under this subsection is an administrative decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision; and*
 - D. *Additional one-year extensions may be authorized where applicable criteria for the decision have not changed.*

Finding 5: Applicant proposes no changes to Finding 5 in the Staff Report.

308 *Development Standards*

- .1 *The minimum average lot width shall be 100 feet for all activities except farming and forestry.*
- .2 *The minimum average lot depth shall be 100 feet for all activities except farming and forestry.*

- .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.*

Finding 6: Applicant proposes no changes to Finding 6 in the Staff Report.

[Discussion on provisions in 308.3]

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

308 Development Standards

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

Finding 8: Applicant proposes no changes to Finding 8 in the Staff Report.

Because this Delineation must accurately locate the building and deck in relation to the south property line and identified wetlands, the Wetlands Delineation shall include the Separate Surveyed Map of the subject property. This Wetlands Delineation shall include the accurate locations of all existing site development in relation to all property lines. If the approved Wetlands Delineation requires a wetland removal-fill permit from DSL, a copy of this approved Wetland Fill Permit shall be filed concurrent with any related county land use and/or building

permits to ensure the structures comply with applicable State and County minimum requirements.

In addition, the May 21, 2024 comments from the County Building Official (included in Attachment 4) state that all buildings will need to meet current building, electrical, plumbing and mechanical requirements of the Oregon Building Code. Consequently, pursuant to Condition 9, the submitted building plans submitted for CU 23-12 will be required to identify the height of all proposed structures, and the County Planner will require all structures comply with the height limitations in Section 308.5. Because the Accessory Building 2 and its attached deck do not appear to comply with the minimum 30' separation from the south property line and also appear to encroach into the identified wetlands, one condition of approval will require the applicant to submit a Separate Surveyed Map that accurately delineates the location of all structures, development and natural features (identified wetlands and lake) in relation to all property lines and to each other as depicted on the CU 23-12 submitted Site Plan. Depending on the results of the Separate Surveyed Map, the following conditions are available for the property owner to pursue as applicable.

- Condition 1 Apply for ~~Demolition~~-required County Permit(s) to relocate or remove any building/structures that are closer than 30' from any property line; the County Building Official will review and approve all Permits.
- Condition 2 If the surveyed map identifies any of the Site Plan's buildings are closer than 30' from any property line or encroach into the Delineated Wetlands' 50' Riparian Corridor, the property owner will be required to submit Variance Permit Application(s) with fees to LDS for the county to review and approve. The county shall review and approve all Variance Permits prior to the acceptance of any related building permits for any structures included in the submitted Site Plan.

Finding 9: With these conditions of approval, staff finds that all structures identified in the Site Plan for CU 23-12 will comply with the minimum setback and height requirements in Sections 308.4 and 308.5 of the CCZO.

308 Development Standards

- .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.

Section 1306 Signs pertaining to rural home occupations:

- .1 Shall not exceed 6 square feet.
- .2 Only one such sign shall be permitted upon the premises.
- .3 Shall not be artificially illuminated.
- .4 Shall be located at least 5 feet from the front property line.

Finding 10: Applicant proposes no changes to Finding 10 in the Staff Report.

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

Section 1100 FLOOD HAZARD OVERLAY

1101 *Purpose: It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas.*

1103 *Definitions: Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage.*

- .11 *"DEVELOPMENT" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.*

1105 *ADMINISTRATION*

- .3 *Establishment of Development Permit:*
 - A. *Floodplain Development Permit Required: A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in section 1104.2. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in section 1103, including fill and other development activities.*

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

1170 RIPARIAN CORRIDORS, WETLANDS, WATER QUALITY, AND FISH AND WILDLIFE HABITAT PROTECTION OVERLAY ZONE

1171 *Purpose.*

- A. *The purpose of this Section is to protect and restore water bodies and their associated riparian corridors, thereby protecting and restoring the*

hydrological, ecological and land conservation function these areas provide. Specifically, this Section is intended to protect habitat for fish and other aquatic life, protect habitat for wildlife, protect water quality for human uses and for aquatic life, control erosion and limit sedimentation, prevent property damage during floods and storms, protect native plant species, and conserve the scenic and recreational values of riparian areas.

- B. This Section meets the above purpose by prohibiting structures and other development from riparian areas around fish-bearing lakes, rivers, streams and associated wetlands, and by prohibiting vegetation removal and/or other vegetative alterations in riparian corridors. In cases of hardship, the Section provides a procedure to reduce the riparian corridor boundary. Alteration of the riparian corridor boundary in such cases shall be offset by appropriate restoration or mitigation, as stipulated in this Section.*
- C. For the purposes of this Section, “development” includes buildings and/or structures which require a building permit under the State of Oregon Uniform Building Code, as amended, or any alteration in the riparian corridor by grading, placement of fill material, construction of an impervious surface, including paved or gravel parking areas or paths, and any land clearing activity such as removal of trees or other vegetation.*
- D. This Section does not apply to land legally used for commercial forestry operations or standard farm practices, both of which are exempt from these riparian corridor protection standards. The use of land for commercial forestry is regulated by the Oregon Department of Forestry. The use of land for standard farm practices are regulated by the Oregon Department of Agriculture, with riparian area and water quality issues governed specifically by ORS 568.210 to ORS 568.805.*
- E. The provisions of this riparian protection overlay zone do not exempt persons or property from state or federal laws that regulate protected lands, water, wetland or habitat areas. In addition to the restrictions and requirements of this Section, all proposed development activities within any wetland area may be subject to applicable state and federal agency standards, permits and approval. The applicant shall be responsible for contacting the appropriate state or federal agencies to determine whether all applicable development requirements have been met.*

1172. Riparian Corridor Standards:

- A. The inventory of Columbia County streams contained in the Oregon Department of Fish and Wildlife Fish Habitat Distribution Data (published January 13, 2023), specifies which streams and lakes are fish-bearing. Fish-bearing lakes are identified on the map entitled, “Lakes of*

Columbia County.” A copy of the most current Stream Classification Maps is attached to the Comprehensive Plan, Technical Appendix Part XVI, Article X(B) for reference. The map, “Lakes of Columbia County” is attached to the Comprehensive Plan, Technical Appendix Part XVI, Article X(B), and is incorporated therein. Based upon the stream and lake inventories, the following riparian corridor boundaries shall be established:

- *Lakes. Along all fish-bearing lakes, the riparian corridor boundary shall be 50-feet from the top-of-bank, except as provided in CCZO Section 1172(A)(5), below.*
- *Fish-Bearing Streams, Rivers and Sloughs (Less than 1,000 cfs). Along all fish-bearing streams, rivers, and sloughs with an average annual stream flow of less than 1,000 cubic feet per second (cfs), the riparian corridor boundary shall be 50-feet from the top-of-bank. Average annual stream flow information shall be provided by the Oregon Water Resources Department.*

1173 Activities Prohibited within the Riparian Corridor Boundary

In addition to the prohibitions in the underlying zone, the following activities are prohibited within a riparian corridor boundary, except as provided for in Subsections 1175 and 1176 of this Section:

- A. *The alteration of a riparian corridor by grading, placement of fill material, and/or impervious surfaces, including paved or gravel parking areas, or paths, and/or the construction of buildings or other structures which require a building permit under the Oregon State Building Code, as amended.*
- B. *The removal of riparian trees or vegetation.*

1174 Exempted Activities. *This Overlay Zone does not apply to land legally used and allowed for commercial forestry operations or standard farm practices, both of which are exempt from the riparian corridor protection standards of this Section. The use of land for commercial forestry is regulated by the Oregon Department of Forestry. The use of land for standard farm practices are regulated by the Oregon Department of Agriculture, with riparian area and water quality issues governed specifically by ORS 568.210 to ORS 568.805.*

1175 Permitted Uses and Activities Subject to Optional Discretionary Review. *Notwithstanding the prohibitions set forth in Subsection 1173 above, the following activities are allowed within the riparian corridor boundary if approved by the planning director through an optional discretionary review process:*

- A. *The following riparian vegetation may be removed within the riparian corridor boundary:*
1. *Non-native vegetation, invasive species, and noxious weeds if replaced with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, and shall provide for maximum soil retention and shade cover. Replacement vegetation shall, upon maturity, maintain 75%-100% canopy and ground cover.*
 2. *Vegetation which is necessarily removed for the development of approved water-related or water dependent uses. Vegetation removal shall be kept to the minimum necessary to allow the water-dependent and water-related use.*
 3. *Trees and vegetation in danger of falling and/or posing a hazard to life or property. If no hazard will be created, such trees or other vegetation, once felled, shall be left in place in the riparian area.*
- B. *The following development may be allowed within the riparian corridor boundary.*
1. *Streets, roads, and driveways, if:*
 - a. *If it is not possible to locate the street, road or driveway outside of the riparian corridor boundary; and*
 - b. *The street, road or driveway is designed to minimize intrusion into the riparian corridor boundary.*
 2. *Pedestrian walkways, paths and trails.*
 3. *Fencing and signs, not including billboards.*
 4. *Drainage facilities, utilities and irrigation pumps.*
 5. *Water-related and water-dependent uses.*
 6. *New or expanded shoreline stabilization and flood control grading and structures.*
 7. *Portable furniture, and other portable outdoor equipment for the private use of the property owner/resident. For purposes of this subsection, "portable" shall mean that the item is not affixed to the ground, other than with a chain or other lock which is capable of being removed at any time*
- C. *Wetland fill and removal within riparian corridors shall be avoided unless there is no reasonable alternative to allow the permitted use. DSL shall be*

notified of any potential impact from development proposed on wetlands identified in the State Wetlands Inventory pursuant to ORS 215.418.

[Map of Oregon Department of Forestry (ODF) Statewide Streams August 2022]

Finding 12: Applicant proposes no change to Finding 12 in the Staff Report.

Section 1400 OFF-STREET PARKING AND LOADING

1401 General Provisions: At the time of the erection of a new building, or an addition to an existing building, or any change in the use of an existing building, structure, or land which results in an intensified use by customers, occupants, employees, or other persons, off-street parking and loading shall be provided according to the requirements of this section.

1403 Use of Space:

.1 Required parking spaces shall be available for parking of vehicles of customers, occupants, and employees.

1405 Plans Required: A plot plan shall be submitted in duplicate to the Director with each application for a building permit or for a change of classification to OP. The plot plan shall include the following information:

.1 Dimensions of the parking lot.

.2 Access to streets and location of curb cuts.

.3 Location of individual parking spaces.

.4 Circulation pattern.

.5 Grade and drainage.

.6 Abutting property.

.7 A landscaping plan which shall include the location and names of all vegetation, and the location and size of fencing or other screening material. This plan shall be approved by the Director.

1408 Design Standards:

.1 Scope:

A. These design standards shall apply to all parking, loading, and maneuvering areas except those for single and two-family residential dwellings on individual lots.

B. All parking and loading areas shall provide for the turning, maneuvering, and parking of all vehicles on the lots.

1410 Size:

- .1 *The standard size of a parking space shall be 9 feet by 18 feet.*
- .2 *Handicapped parking spaces shall be 12 feet by 18 feet.*
- .3 *Parallel parking, the length of the parking space shall be increased to 22 feet.*

1404 Joint Usage of Facilities: *Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Planning Director in the form of deeds, leases, or contracts securing full access to such parking or loading areas for all the parties jointly using them.*

1416 Minimum Required Off-Street Parking Spaces:

- .2 Public and Semi-Public Buildings and Uses:

Club or Association: *These uses shall be treated as combinations of uses such as hotel, restaurant and tavern etc., and the required spaces for each separate use shall be provided.*

1417 Unspecified Uses: *Any use not specifically listed in the foregoing list shall have the requirements of the listed use or uses deemed equivalent by the Director.*

Discussion The application states that the provisions in Section 1404 and 1417 related to Joint Usage of Facilities and Unspecified Uses pertain to CU 23-12 Section 1440 does not have any parking and loading requirements for Home Occupations. On Page 9 on the attached Project Narrative, the applicant states that 10 onsite parking spaces with 1 ADA parking space will be provided for employees and vendors; 3 standard parking spaces immediately west of the Barn as well as 1 standard space and 1 ADA parking space south of the barn.

~~The application also states the property owner has entered into the Shared Parking Agreement with the Hafeman Commercial Properties LLC an existing retail plaza located at 51913 Columbia River Highway in the City of Scappoose show the Plaza will provide 41 total parking spaces (37 standard and 4 ADA spaces) to accommodate up to 60 guests for the largest of the proposed events depicted in the Plaza Parking Plan. A notarized Shared Parking Agreement and 3 proposed Shuttle Routes between Hafeman Plaza and the subject property have been submitted with CU 23-12 application materials. At the Planning Commission hearing on July 1, 2024, Applicant stated that prior to operation of the event venue, the necessary approvals from the City of Scappoose will be obtained to provide guest parking and a shuttle service to events. Such approvals will establish the shuttle route and provide for temporary signage. In addition, Applicant requested limited on-site parking for event guests to accommodate items such as wedding dresses, balloons, cakes, etc., which would be challenging to bring to the venue by shuttle.~~

[...]

Finding 13: With these site-specific characteristics, staff finds that an On-Site Parking Plan that will be required in order to demonstrate guests and vendors will have adequate parking facilities. Condition 10 will allow for up to 10 parking stalls on site to be used by guests and vendors. Condition 10 will also require the County Building Official and Scappoose Fire District to 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.

Finding 14: Likewise, with the exception of limited on-site parking for guests and vendor parking, because all venue attendees, excluding vendors, will be shuttled to and from the property from an approved parking facility. ~~the Hafeman Commercial Plaza,~~ Condition 12 will require the property owner to submit to LDS written confirmation that the City of Scappoose has approved all Off-Site Parking Facilities and the related Transportation of Venue Attendees for compliance with the City of Scappoose Municipal Code.

Section 1450 TRANSPORTATION IMPACT ANALYSIS

1450 Transportation Impact Analysis: A Transportation Impact Analysis (TIA) must be submitted with a land use application if the proposal is expected to involve one or more of the conditions in 1450.1 (below) in order to minimize impacts on and protect transportation facilities, consistent with Section 660-012-0045(2)(b) and (e) of the State Transportation Planning Rule.

- .1 Applicability – A TIA shall be required to be submitted to the County with a land use application if the proposal is expected to involve one (1) or more of the following:*
- A. Changes in land use designation, or zoning designation that will generate more vehicle trip ends.*
 - B. Projected increase in trip generation of 25 or more trips during either the AM or PM peak hour, or more than 400 daily trips.*
 - C. Potential impacts to intersection operations.*
 - D. Potential impacts to residential areas or local roadways, including any nonresidential development that will generate traffic through a residential zone.*
 - E. Potential impacts to pedestrian and bicycle routes, including, but not limited to school routes and multimodal roadway improvements identified in the TSP.*
 - F. The location of an existing or proposed access driveway does not meet minimum spacing or sight distance requirements or is located where vehicles entering or leaving the property are restricted, or*

such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard.

G. A change in internal traffic patterns may cause safety concerns.

H. A TIA is required by ODOT pursuant with OAR 734-051.

I. Projected increase of five trips by vehicles exceeding 26,000-pound gross vehicle weight (13 tons) per day, or an increase in use of adjacent roadways by vehicles exceeding 26,000-pound gross vehicle weight (13 tons) by 10 percent.

.2 Consistent with the County's Guidelines for Transportation Impact Analysis (TIA), a landowner or developer seeking to develop/redevelop property shall contact the County at the project's outset. The County will review existing transportation data to establish whether a TIA is required. It is the responsibility of the applicant to provide enough detailed information for the County to make a determination. An applicant should have the following prepared, preferably in writing:

A. Type of uses within the development

B. The size of the development

C. The location of the development

D. Proposed new accesses or roadways

E. Estimated trip generation and source of data

F. Proposed study area

If the County cannot properly evaluate a proposed development's impacts without a more detailed study, a TIA will be required. The County will provide a scoping summary detailing the study area and any special parameters or requirements, beyond the requirements set forth in the County's Guidelines for Transportation Impact Analysis, when preparing the TIA.

Finding 15: Applicant proposes no changes to Finding 15 in the Staff Report.

Section 1503 CONDITIONAL USES

.1 Status: Approval of a conditional use shall not constitute a change of zoning classification and shall be granted only for the specific use requested; subject to such reasonable modifications, conditions, and restrictions as may be deemed appropriate by the Commission, or as specifically provided herein.

- .2 Conditions: *The Commission may attach conditions and restrictions to any conditional use approved. The setbacks and limitations of the underlying district shall be applied to the conditional use. Conditions and restrictions may include a specific limitation of uses, landscaping requirements, off-street parking, performance standards, performance bonds, and other reasonable conditions, restrictions, or safeguards that would uphold the intent of the Comprehensive Plan and mitigate any adverse effect upon the adjoining properties which may result by reason of the conditional use being allowed.*
- .3 Conditional Use Permit: *A Conditional Use Permit shall be obtained for each conditional use before development of the use. The permit shall stipulate any modifications, conditions, and restrictions imposed by the Commission, in addition to those specifically set forth in this ordinance. On its own motion, or pursuant to a formal written complaint filed with the Planning Department, upon proper notice and hearing as provided by Sections 1603 and 1608 of this ordinance, the Commission, (or Board on appeal) may, but is not required to, amend, add to or delete some or all of the conditions applied to Conditional Use Permits issued by the Planning Commission or Board of Commissioners. The power granted by this subsection may only be exercised upon a finding such amendment, addition or deletion is reasonably necessary to satisfy the criteria established by Section 1503.5 below.*

Finding 16: [Discussion] Applicant proposes no changes to Finding 16 in the Staff Report.

- .4 Suspension or Revocation of a Permit: *A Conditional Use Permit may be suspended or revoked by the Commission when any conditions or restrictions imposed are not satisfied.*
- A. *Conditional Use Permit shall be suspended only after a hearing before the Commission. Written notice of the hearing shall be given to the property owner at least 10 days prior to the hearing.*
- B. *A suspended permit may be reinstated, if in the judgment of the Commission, the conditions or restrictions imposed in the approval have been satisfied.*
- C. *A revoked permit may not be reinstated. A new application must be made to the Commission.*

Finding 17: Applicant proposes no changes to Finding 17 in the Staff Report.

- .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 proposed use are satisfied and 6/24/2024 demonstrates the proposed use also satisfies the following criteria:

- A. *The use is listed as a Conditional Use in the zone which is currently applied to the site;*
- B. *The use meets the specific criteria established in the underlying zone;*

Finding 18: Applicant proposes no changes to Finding 18 in the Staff Report.

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

[Discussion]

Finding 19: Although the natural characteristics of the property help make it suitable for weddings, commercial events and fundraisers, this 4.27-acre PA-80 property is located within 500' feet of at least 50 dwellings to the west and by two dwellings on approximately 80-acres of PA-80 land to the north, east and south. On June 17, 2024 however, Tracey and David Heimback who reside at 51704 SE 9th Street immediately adjacent to the subject property did submit comments (included in Attachment 1) supporting the proposal requested for CU 23-12. These comments stated in part “*He has always been very respectful of our privacy and aware of noises that may accompany large gatherings.*” In addition on June 20, 2024 Linda Hinsvark who resides at 51692 SE 9th Street also submitted comments of support for CU 23-12 with no complaints about noise or traffic. Ms. Hinsvark’s and the Heimback’s support of CU 23-12 and the Mapes’ concerns and presented mitigation do not negate each other’s perspective and Staff has taken both into consideration in the preparation of this Staff Report.

At the Planning Commission hearing on July 1, 2024, two individuals provided public comment in support of the application. [Insert statements by Samatha Slater and Steven Quick]. [Insert public comments in support of the application provided by email.]

For these reasons, staff finds that the relevant issues included in the Mapes’ 2nd, 4th and 7th Conditions, as modified by Staff’s Conditions of Approval, are reasonable and appropriate ways of not only reducing the noise levels of these types of events, but also providing nearby residents with advance notification of scheduled event that will allow residents to make appropriate plans to either avoid or enjoy said events. With Conditions 14 - 18 that address the Mapes’ identified concerns they have been experiencing, staff finds that CU 23-12 will be able to be comply with suitability requirements in Section 1503.5(C) of the CCZO.

- 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;*

[Discussion]

Finding 20: Applicant proposes no changes to Finding 20 in the Staff Report.

- 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;*

[Discussion]

Finding 21: To avoid unnecessary repetition, Staff believes that the 2 ½ page Discussion leading to Finding 19 and the resulting three conditions will be reasonable and appropriate ways to minimize potential disruptions to the surrounding properties’ residential and agriculture character and uses. Staff finds CU 23-12 can be approved with reasonable conditions that will reduce outdoor noise during events and will also provide timely notice of ~~all~~ events with up to 60 guests to property owners within 500’ both of which are consistent with and satisfy this requirement in Section 1503.5(E). In addition, in Applicant’s letter dated June 21, 2024, Applicant confirmed that sound would cease at 9:30 and all guests would be off the property by 10 pm.

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

[Discussion]

Finding 22: Applicant proposes no changes to Finding 22 in the Staff Report.

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

[Discussion]

Finding 23: Staff finds that with the installation of “No Trespassing” signs ~~the fence or another identifiable barrier~~ along the property’s eastern property line, the County Sanitarian’s and County Building Official’s review and approval of the site’s septic system and buildings and structures and the Scappoose Rural Fire Protection District’s approval of the roadway, buildings and structures will also help to ensure that the proposal requested for CU 23-12 (as conditioned) will not create hazardous conditions and satisfy this provision in Section 1503.5(G).

- .6 *Design Review: The Commission may require the Conditional Use be subject to a site design review by the Design Review Board or Planning Commission.*

Finding 24: Applicant proposes no changes to Finding 24 in the Staff Report.

Section 1507 Home Occupations

- .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.*
- B. *It shall employ on the site no more than five full-time or part-time persons.*
- C. *Signs are permitted as per Section 1300 of the CCZO.*

[Discussion]

Finding 24 25: Applicant proposes no changes to Finding 25 in the Staff Report.

.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.*

Finding 25 26: Based on the above analysis, staff finds that the applicant will not be able to have any overnight accommodations occurring within the 3 accessory structures with CU 23-12 remaining in compliance with the requirements in Section 1507.3(A) of the CCZO. However, in Applicant’s letter dated June 21, 2024, Applicant withdrew the request to provide overnight wedding lodging on the property. Therefore, Applicant’s Home Occupation complies with CCZO 1507.3(A)(2).

Regarding CCZO1507.3(A). In Applicant’s letter dated June 21, 2024, Applicant stated that events would occur “substantially in” the barn structure. Specifically, except for wedding ceremonies limited to approximately 30 minutes and limited outdoor seating on the barn patio, events would occur “substantially in” the barn or an accessory structure. This does not preclude event guests from walking Applicant’s property and gardens, taking photos on the property, traveling to and from on-site vehicles, using the restrooms located outside the barn, and other similar activities.

Consequently, Condition 6 will require the property owner to hold events “substantially in” the barn and either remove these 3 Accessory structures from the property with demolition permits issued by the County or have these structures approved by the County Planning and Building Officials only for ~~non-residential~~ uses normally associated with PA-80 zoned properties.

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

Finding 26 27: Applicant proposes no changes to Finding 27 in the Staff Report.

III. Conditions of Approval

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: Applicant proposes no changes to Condition 4 in the Staff Report.

Condition 5: Applicant proposes no changes to Condition 5 in the Staff Report.

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.

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-Street 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: Applicant proposes no changes to Condition 12 in the Staff Report.

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

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. Electronic sources of sound outside of buildings are prohibited, including sources attached to the exterior of buildings or coming from automobiles. Speakers located inside a structure 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. Except for outdoor wedding ceremonies, 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; and
5. 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;

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 (up to 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.

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: Applicant proposes no changes to Condition 20 in the Staff Report.

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

IV. Recommended Motion

The Planning Commission finds that Applicant meets the applicable criteria for a Home Occupation Type II in the Columbia County Zoning Ordinance and accepts the Findings of Fact and Conditions of Approval in the Staff Report, as revised by Applicant.

Lake House Noise Control Plan

DRAFT

7.8.2024

1. Purpose

The purpose of this noise control plan is to monitor and manage sound from Lake House events, as approved under CUP _____ (“CUP Approval”), and to ensure compliance with Condition ___ of the CUP Approval.

2. Operational Contact Information

Onsite Operational Contact: Bart Hafeman

Phone Number: 503-543-7664

The onsite operational contact is responsible for implementing this noise control plan and responding to noise complaints received during an event. The contact information for the onsite operational contact will be provided to all adjacent property owners within 500 feet.

3. Noise Thresholds and Measurement Locations

The Oregon Department of Environmental Quality (“DEQ”) regulates sound from commercial and industrial activities under OAR chapter 340 div. 35 (“DEQ rules”). The Lake House venue is a new noise source on a previously unused site under the DEQ rules, specifically OAR 340-035-0035(1)(b)(B).

The DEQ rules require Lake House to meet certain noise levels at noise sensitive receptor. All sound generated at the Lake House will be during Daytime measurement hours.

Allowable Statistical Noise Levels in Any One Hour

Statistical Descriptor	Daytime (7 a.m. – 10 p.m.) (dBA)	Nighttime (10 p.m. – 7 a.m.) (dBA)
L ₅₀	55	50
L ₁₀	60	55
L ₁	75	60

Source: OAR 340-35-0035, Table 8.

Sound levels will be measured from the noise sensitive receptor property line closest to the property. Lake House will measure noise levels at the locations identified on the attached map (Figure 1) (“Measurement Locations”).

4. Noise Monitoring and Equipment

Lake House will take a noise level measurement at least one time during a large event (as defined in the CUP Approval) at each Measurement Location. Measurement readings will be kept in a log onsite.