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July 7, 2024

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

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

To the Planning Commission:

This submission is to secure our continued participation in the CU-23-12 application for a home occupation which we oppose, and to offer perspective on how the Commission, should it choose to grant a permit, can attempt to meet its responsibilities under the ORS and County Code. Specifically, should the Commission allow a home occupation permit, under your rules it is incumbent on the Commission to identify the “*specific use requested*” and establish conditions requiring the home occupation be conducted “*substantially in*” buildings and not outside. Failure to do so will result in unclear rules likely leading to neighbor disputes and a long and expensive appeal process.

#### BACKGROUND FACTS

Let us summarize the facts surrounding this application and our opposition -

- Applicant moved into a neighborhood of homeowners who purchased property in a peaceful and relatively quiet area.
- Applicant began holding loud parties with hundreds of attendees thereby imposing unwelcomed and illegal noise and activity on his neighbors. He now seeks a permit to legally use his piece of our neighborhood as a commercial party venue.
- Those who have done the uncomfortable – publicly oppose a neighbor and well-known member of our community – consist of adjacent property owners who will be negatively impacted through a reduction in the livability and enjoyment of their homes and a probable reduction of their property values should a legally sanctioned commercial venue be established next door.
- Generally, those supporting the application are either the Applicant who stands to financially benefit at the cost of his neighbors, Applicant’s friends, those who enjoy having a place to go party or who attended a party that wasn’t supposed to be there in the first place, or those who do not live near enough to be burdened by the sound and activity

Applicant proposes. Based on the comments posted on the Planning Commission's website as of today, of the commenters who identify themselves as living in the neighborhood near Applicant, the majority *oppose* the permit.

We submitted materials dated June 3, 2024 and July 1, 2024 that describe in detail why the Applicant's proposal does not meet the legal criteria that apply to it. We also gave testimony during the July 1 hearing. Our position is essentially unchanged; we stand by our previous submissions and testimony. It is not consistent with the intent and requirements of the land use laws that a loud and activity-based commercial party and event venue be established in this neighborhood. Moreover, although we acknowledge and appreciate that Applicant has agreed to add some conditions of approval to those proposed by staff, Applicant's unwillingness to commit to conditions that would make clear what he can do and when and where is concerning.

#### OUR WILLINGNESS TO TRY TO RESOLVE OUTSTANDING ISSUES IN A NEIGHBORLY MANNER

Even though we oppose this permit, and previous efforts to discuss with Applicant how he was impacting his neighbors were rebuffed, we spoke with Applicant and his attorney immediately following the July 1 hearing. In that discussion, we offered to meet with Applicant and/or his attorney during this first seven-day period, hoping that mutually agreeable language for conditions might be determined and our opposition to the permit be limited or terminated. Our understanding from this discussion was that Applicant and his attorney welcomed the offer and would contact us promptly. We heard nothing from them by July 4, when we texted Applicant to ask the status but got no response. Based on e-mails from Applicant's attorneys July 5 and 6, they do not anticipate discussion with us before the submission deadline of July 8. In our view, we did our part to resolve remaining issues during this first seven-day period and regret that our efforts were not successful.

#### THIS COMMISSION'S TASK

Should this Commission grant a permit, the crux of our opposition is easily stated:

- Applicant's attorney has represented Applicant's intended (and thereby his specifically requested) use, but then fails to place his *specific requested use* into the conditions of the permit.
- **If Applicant**, who has a history of noncompliance with rules applicable to his use of property (a short list of what was documented in the Staff Report includes his failure to seek building, electrical or other permits for unauthorized buildings, violation of setback requirements from adjoining properties and designated wetlands, and use of his property as a commercial party venue resulting in the County's issuance of a cease order), **actually does intend to abide by representations to this Commission of his *specific use requested*, then what possible reason is there for the Applicant or this Commission to not reflect the intended *specific requested use* in conditions?**

- The Mapeses previously offered language to capture some of Applicant’s *specific requested use* for adoption as conditions, and these conditions hone in on one of this Commission’s primary responsibilities – if it allows a home occupation permit – to assure that the home occupation is performed *substantially in* buildings and not outside. See our letter of July 1, 2024.
- Other statements Applicant and/or his attorney have made also should be documented in conditions of approval so that it is clear to Applicant and to his impacted neighbors what he can and cannot allow on his property. For example: (1) sound ceases by 9:30 p.m.; (2) attendees are off the property by 10:00 p.m.; (3) no more than 15 weddings per year, no more than 4 large commercial events, no more than 10 small events with a limit of 20 guests, and no more than 6 fundraiser/charitable events. The conditions should also state that no event can span more than one day, to make clear that that multi-day events neither have been requested nor are permitted.
- The conditions should make clear that the home occupation conditional use permit is personal to Applicant and does not transfer to a subsequent owner upon sale of the property.

#### HERE’S AN EXAMPLE OF THE PROBLEM

One of the numerous types of events Applicant proposes is weddings. We’ve all probably been to a wedding. There is the ceremony itself, typically a dinner with toasts, then begins THE PARTY usually fueled by excitement of partying now that the responsibilities are over and potentially large amounts of alcohol. THE PARTY is the longest, loudest and most often out-of-control part of the wedding event. It is THE PARTY (and the live bands which Applicant has not requested authority to have as part of his permit and which we would have opposed had he included that in his representations) which has been most impactful on us and the other adjacent property owners who commented in opposition. Let us offer a scenario followed by a question –

Applicant has 60 people attending a wedding. As represented in the attorney’s July 1 hearing presentation, the ceremony is outside with only one speaker turned up only loud enough to be heard by attendees and pointed toward unoccupied property, followed by a dinner served inside the barn with only minimal outside seating, and with toasts and a dance floor available inside the barn. It’s a beautiful evening. People want to do the toasts outside, or if the toasts are inside then afterwards want to move outside so the music is cranked up and THE PARTY with 60 partiers moves outside. The dancing is outside, there is considerable alcohol consumption fueling the good times and maybe folks are cheering on others who are dancing outside or there’s a corn hole game or any other activity with repeated cheering or good-natured jeering. This is what partiers do at THE PARTY and this goes on for hours. All of us probably love this aspect of the wedding event! In this scenario, we and others who live in this neighborhood will be subjected to THE PARTY for hours, potentially 25 times per year taking into account Applicant’s proposed number of weddings plus “large commercial events” and fundraisers.

The question is – what in the Applicant’s or staff’s proposed conditions would limit this activity, specifically THE PARTY being outside? Nothing! This answer is as clear as would be the violation of the responsibility this Commission is tasked with by statute and County Code to administer: that, when granting a home occupation conditional use, the permit allows only the “*specific use requested*,” the specific use requested be “*substantially inside*” a building and not outside, and conditions are attached that “*mitigate any adverse effect on the adjoining properties which may result by reason of the conditional use being allowed.*”

EXAMPLE OF A CONDITION OF APPROVAL THAT SIMPLY DOCUMENTS  
APPLICANT’S REPRESENTATIONS

On July 1, we offered language for conditions which would address the requirement that the home occupation occur “substantially in” buildings. First, these proposed conditions reflected Applicant’s intended use as represented to this Commission as his *specific requested use* by Applicant and/or his attorney. Second, they clearly describe which of the various components of the wedding event can occur inside and which outside. Third, there is a condition that will hopefully result in “buy in” from Applicant’s customers that not only Applicant but also his customers are obliged to comply with the conditions allowing the Lake House to be a commercial party venue, or the party must stop. We do not understand why Applicant resists our proposed language, which simply documents his written assertions and makes the boundaries of his permit clear.

As a reminder, Applicant has made varied and contradictory statements about what activities he plans to allow outside. Initially, he said receptions, music, dancing and “any outdoor activities the event guests may want to do” will be outdoors. Now he says he only plans limited outdoor activity. The limited outdoor activities he now says he wants should be written into the conditions of approval, for the clarity of all concerned.

Below is an example of how Applicant’s representations of the specific use he is requesting should be turned into conditions of approval:

APPLICANT’S REPRESENTATIONS OF *SPECIFIC USE REQUESTED* IN MS. CILEK’S  
LETTER OF JUNE 21:

*The barn is the focal point for all events given its rustic chic character, which wood siding, cement slab floors, and interior wood walls. For the smaller events, such as baby showers, birthday celebrations, charity events, and fundraisers, these activities will occur “substantially in” the barn. Outdoor activities may include limited outdoor seating on the barn patio, which is located on the eastern side of the barn. See Attachment 1 (Site Plan). For larger events like weddings, activities will also occur “in large part” the barn. All reception activities, including food and bar service, dancing, toasts, and other*

*general reception activities will occur in the barn. The wedding ceremony itself may occur*

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*outdoors on the lawn, which is located on the northeastern side of the lake. See Attachment 1 (SitePlan). . . . Other outdoor wedding activities may also include limited outdoor seating on the barn patio. See Attachment 1 (Site Plan). Applicant commits to providing all reception music and dancing to inside of the barn.*

APPLICANT’S PROPOSED CONDITIONS TO REFLECT APPLICANT’S REPRESENTATIONS OF HIS “SPECIFIC USE REQUESTED”

None.

MAPESSES’ PROPOSED CONDITIONS TO BE ADDED TO “EVENT TERMS” TO REFLECT APPLICANT’S REPRESENTATIONS OF HIS “SPECIFIC USE REQUESTED” –

*Applicant will hold events “substantially in” the barn consistent with CCZO 1507.3(A) and ORS 215.448(1)(c).*

- 1) For events other than weddings, activities will occur in the barn, and other than limited outdoor seating on the barn patio on the east side of the barn, transporting to and from vehicles, and use of bathroom facilities located outside the barn, there will be no gatherings of people outside the barn.*
- 2) For wedding events, outdoor activities may include limited outdoor seating on the barn patio, which is located on the east side of the barn. Specifically, the wedding ceremony and limited outdoor seating during a meal are the only outside activities permitted. Other than attendance at the outside wedding ceremony, dining outside during the meal, transporting to and from vehicles, wedding photos, and use of bathroom facilities located outside the barn, all attendees are expected to remain inside the barn during the duration of the event. There shall be no gatherings of people outside of the barn other than as specifically described here.*

This example simply takes Applicant’s representations and turns them into clear conditions. The same should be done for all of Applicant’s representations that define the nature, size and frequency of events that are allowed. Otherwise, there will be no clarity for Applicant or his neighbors, and the “substantially in” and other criteria for grant of the permit will not be met.

Moreover, making sure people stay in the barn except for limited activity outside is a reasonable condition because it will help limit the noise neighbors are subjected to. In the problem wedding scenario set out above, allowing the party to spill outside the barn likely will lead to turning up the music volume inside the barn and opening the barn doors. If people stay inside the barn, the volume, as a practical matter, should be limited by both their desire not to damage their hearing and their desire to talk to each other.

Finally, given Applicant’s history, our entirely legitimate concern regarding future compliance, and the reality that the County’s Code Enforcement personnel presumably aren’t even working during these weekend and nighttime events, in order to give us all (including Applicant) the best prospects that there is “self-policing” of noise and other adverse effects which will inevitably occur should this permit be allowed, we propose the following language as a condition –

*If Applicant, his employees or agents become aware of a violation of the terms or conditions of the home occupation permit, Applicant must take whatever steps are necessary to either bring the event immediately into compliance or immediately terminate the event.*

In sum, we’ve reached out in an attempt to try to resolve our ongoing concerns, but no discussions have taken place to date. We are making a good faith effort, at considerable cost of time and stress, to participate in the Commission’s process. We believe we’ve offered ways to craft language allowing the Commission to meet its responsibilities under the ORS and County Code, while reflecting what Applicant has stated as his *specific use requested* and also language hoping to obtain buy-in to his conditional use from customers – which is in everyone’s interest.

Sincerely,  
Jeff and Laurie Mapes