

COLUMBIA COUNTY PLANNING COMMISSION MEETING

July 1, 2024
Meeting Minutes
Go To Meeting

Planning Commission Members Present: Alta Lynch, Chris WarrKing, Kat Bennett, and Brian Brust

Planning Commission Members Absent: Dan Magnia

Staff Present: Deborah Jacob, Suzie Dahl, Spencer Parsons, Jack Niedermeyer and Amy Herzog

Staff Absent: Jamie Viveiros

Applicant/s: George Bartholomew Hafeman III

Applicant Representatives: Davis Wright Tremaine, LLP, Attn: Caroline Cilek

Agenda Item: Hafeman CU 23-12

The meeting was called to order at 6:30 p.m. by Deborah Jacob

Alta Lynch took roll call, then reviewed the virtual meeting etiquette, ground rules, and agenda items.

Alta Lynch requests all present who would like to speak to state your name, address, and if you are in favor, opposition, or neutral.

Deborah Jacob read the pre-hearing statement.

Deborah Jacob asks if there will be any ex-parte conflicts with any planning commission members regarding tonight's matters. Alta Lynch, has no ex-parte conflicts. Brian Brust states that he went to school with the applicant but feels he can represent the planning commission on this hearing without bias. Spencer Parsons asks Madam Chair to request any rebuttal from all parties. No rebuttal. Kat has no ex-parte conflicts. Chris has no ex-parte conflicts.

Deborah Jacob presented a summary of the Staff Report. The Staff Report is available on Columbia County's website (<https://www.columbiacountyor.gov/meetings>) for Public Viewing.

Staff Recommendation- Based upon research about the property and evaluation leading to Findings within the Staff Report for land use application CU 23-12, Staff recommends the Planning Commission APPROVE the request to lawfully establish a Type 2 Home Occupation on the subject PA-80 zoned tract subject to the following conditions:

CONDITIONS OF APPROVAL:

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.
2. The property owner is prohibited from holding any ~~more~~ 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.
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.
4. No more than five persons/employees required to ~~support produce~~ an event shall be on site at any one time. This includes without limitation the property owner, band members, ~~a~~Auctioneers, and any food and beverage servers, ~~that all of whom~~ are considered as employees and agents, independent contractors, and staff persons of independent contractors, pursuant to ~~these~~ requirements in Section 1507.2(B) of the County Zoning Ordinance and ORS 215.448 (1)(b).
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.
6. Per the requirements in Section 1507.3 of the County Zoning Ordinance, the property owner shall 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 that is normally associated with PA-80 zoned properties.
7. The property owner shall submit a Wetlands Delineation to the Oregon Department of State Lands for their review and approval. The Wetlands Delineation shall also include a Separate Surveyed Map of the subject property and include the accurate locations of all existing site development and structures 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.
 - A. 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.

- B. The property owner shall submit a Revised Site Plan that accurately delineates the location of all of the site's Delineated Wetlands in relation to all structures and development intended for venue activities as presented for CU 23-12.
 - C. A copy of the DSL Approved Wetlands Delineation shall be submitted to Land Development Services that will be reviewed concurrent with the necessary building plans for all authorized structures and development.
 - D. The property owner shall either remove or relocate all accessory structures and development outside of the Delineated Wetlands protected Riparian Corridor or submit the necessary variance and /or building permits for the County Planner and Building Official to review for compliance with the applicable provisions in Sections 1504, 308, 1173, 114, 1175 and 1178 of the County Zoning Ordinance and the Oregon Building Code.
8. The property owners shall be required to either apply for Demolition Permit(s) to 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.
9. The property owner shall submit with the associated fees ~~the~~all necessary structural, mechanical, electrical, and plumbing permits for all structures used by event attendees for the County Building Official to review and approve for compliance with the applicable provisions of the Oregon Building and Fire Codes. All submitted plans must also be accompanied with the necessary Floodplain Development Permits and fees.
- A. The Scappoose Rural Fire Protection District shall review and approve the ~~minimum and~~-applicable code requirements for the occupancy of all buildings and structures as designated by the Oregon Fire Code and Oregon Structural Specialty Code provisions referenced in the June 6, 2024, Fire Service Referral and Acknowledgement for CU 23-12, including maximum occupancy for all buildings and structures.
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.
11. The County shall receive written confirmation from the City of Scappoose Public Works Department and the Scappoose Rural Fire District that all improvements to the existing access to SE 9th Street have been installed and accepted.

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. [ML1][DJ2]
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.
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.
15. 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.
16. The terms and conditions of the home occupation permit must be posted in prominent locations in the barn and on the subject property and printed in large enough font to be read easily by event attendees 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 respectful of neighboring residential uses, particularly with regard to noise levels.
 4. No speakers, voice amplification, microphones, electronic musical instruments, or other electronic sound sources are allowed other than sources confined entirely within the interior of existing, enclosed, permitted buildings; and
 5. Electronic or amplified sources of sound outside of buildings are prohibited, including sources attached to the exterior of buildings or coming from automobiles.
17. Property owner must provide written notice of each event and its date and time, mailed no less than twenty days before the date of each 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.
18. The property owner shall construct a fence or another barrier along the surveyed eastern property line to ~~deter~~prevent event attendees from trespassing onto and getting injured on the adjacent ~61-acre PA-80 zoned tract.
19. The property owner shall ~~be eligible to~~ submit a Sign Permit to LDS for ~~any~~the single on-site sign(s) ~~pursuant to authorized in~~ Section 1306 of the County Zoning Ordinance.
20. Prior to the commencement of any events, the County Planning Official shall conduct a Site Visit to verify that Conditions 16 and 18 of Approval have been satisfied related to posted Terms and Conditions

of the home occupation permit and the installation of a fence or another barrier along the surveyed eastern property line.

21. The property owner shall file a Business Personal Property Tax Return with the County Assessor once operations related to CU 23-12 begin [ML3][DJ4].

End of Conditions of Approval

Deb Jacob asks if there are questions about the proposal.

- Alta Lynch asks for clarification on the tax map, Deb advises that the tax account that is correct is 5340. There was a typo that has been corrected.
- Alta Lynch also questions condition number 17 stating that applicant would have to give a written notice to neighbors within 500 feet within 20 days. She doesn't feel that this condition is feasible, and Deb advises that as the Planning Commission, they can vote to edit or remove this condition.
- Brian Brust asks what the noise ordinance is for the county. Spencer Parsons answers that that would be part of the code enforcement ordinance, not related to this hearing. Brian again asks what the decimal level is? Spencer advises that he thought it was 50-60, but that Deb could advise. Brian again asks how a NICU unit is 70 decibels, and the approval condition is at 50-60 decibel, per noise ordinance for Columbia County. Spencer advises again that we don't need to address this as an issue on the approval conditions.
- Brian Brust asks what jurisdiction this property is under for fire regulation. Deb confirms, Scappoose Rural Fire Protection.

Caroline Cilek introduces her clients, Bart & Betina Hafeman, then reviews her [presentation](#) to the Planning Commission.

Staff recommends 21 conditions to regulate the size, scale, and intensity of the proposed use and ensure public health and safety standards are met (e.g., number of guests and employees, parking, permits for structures used by guests, and fire review).

- Applicant agrees with Staff's proposed findings of fact and conditions of approval, with 5 recommended revisions.
- Applicant received supportive comments from neighbors and addressed comments from Mr. and Mrs. Mapes (Attachment 6).

Staff recommends prohibiting all outside amplified sound.

- Applicant requests limited use of outside amplified sound during a wedding ceremony.
- Limited to one speaker
- Early evening timeframe
- 15-30 minutes, up to 15 times a year
- Fountain in the lake

Staff's Condition: "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."

- Recommended Condition: “Except for outdoor wedding ceremonies, which shall be limited to one speaker, ...
- Correspondingly revise Condition 16 Terms # 4 & 5

Staff’s Condition: Mailed written notice of each event regardless of size at least 20 days before the event to property owners within 500 feet of Applicant’s property.

- Recommended Condition: Mailed written notice of each large event regardless of size at least 20 days before the event to property owners within 500 feet of Applicant’s property.

Staff recommends a fence or 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 (Mapes property).

- Fence is unnecessary and unfeasible due to the wetlands located along the eastern portion of the property.
- Revise Condition 18 to require no trespassing signage at wetland boundary.

Applicant’s Recommended Motion: Recommend approval of staff’s proposed findings of fact and conditions of approval with Applicant’s revised findings and conditions as provided in the Handout.

Handout Provided by applicant’s attorney:

Hafeman CU 23-12

Applicant’s Revised Findings and Conditions of Approval July 1, 2024

1. Use of Accessory Buildings a. Finding 25: 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. Consequently, Condition 6 will require the property owner to 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. Condition 6: Per the requirements in Section 1507.3 of the County Zoning Ordinance, the property owner shall 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.

2. Limited Amplified Sound a. Finding 19: *(No revisions recommended)*

b. 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 existing, enclosed structures. Electronic sources of sound outside of buildings are prohibited, including sources attached to the exterior of buildings or coming from automobiles.

c. Condition 16: The terms and conditions of the home occupation permit must be posted in prominent locations in the barn and on the subject property and printed in large enough font to be read easily by event attendees and shall include the following: i. 1. The total numbers of persons attending any event may not exceed 60; ii. 2. The property adjoins residential properties; iii. 3. All persons attending events must behave in a manner respectful of neighboring residential uses, particularly with regard to noise levels; and iv. 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 v.5. Electronic or amplified sources of sound outside of buildings are prohibited, including sources attached to the exterior of buildings or coming from automobiles;

3. Deterring Trespassing on Neighboring Property.

a. Finding 2: 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.

b. Finding 3: Staff finds that by requiring the installation "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.

c. Finding 23: Staff finds that with the installation of "No Trespassing" signs ~~the fence or another identifiable barrier~~ along the property's east 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 CU23-12 (as conditioned) will not create hazardous conditions and satisfy this provision in Section 1503.5(G).

d. Condition of Approval 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.

4. Notice to Property Owners

a. Finding 19: *(No revisions recommended)*

b. Condition 17: Property owner must provide written notice of each large event 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.

5. Limited On-site Parking a. Finding 13: With these site-specific characteristics, staff finds that an On-Site Parking Plan that will be required in order to demonstrate vendors and guests will have adequate parking facilities. Condition 10 will 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.

b. 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 vendors and guests with up to 10 parking stalls.

Brian Brust asks the applicant if in the six years he has lived at this residence, if he has encountered people trespassing through the wetlands?

Bart Hafeman responds that when his children were younger, they liked to try and fish and play in that area. His kids are adults now (except for his daughter) and no one has been in that area since. He also explains that the music that would be playing at events, would be minimal, and aimed away from the residential area. Bart also explains that it would be difficult to provide advanced written notice for all events due to events cancelling or newly added.

Alta Lynch asks if anyone else would like to speak on behalf of the applicant.

NJ Johnson with the City of Scappoose asks the applicants representative how they plan to utilize parking on site. Caroline Cilek states that guests (bridal party, event deliveries, etc) that have pre-approval to park on site would be limited to a few people dropping off items, and all others would be shuttled in. NJ Johnson states that the parking on SE 9th Street is limited by number of trips per residence, and he would like to understand a more thorough parking plan for people onsite. Caroline states that she will provide that to the City of Scappoose. NJ asks Caroline for clarification on if her request still includes 10 on site spots for parking. Caroline confirms.

Samantha Slater 33982 SE Davona Dr Scappoose OR- states that she is in support for this proposal. She has never had issues with noise, excessive people, etc. She supports this to have more event space in the community.

Steven Quick 16148 SW Barrington Pl. Tigard, OR 97224-Sent in a previous email supporting Bart Hafeman and his proposal.

Alta Lynch asks the room if there is anyone in opposition if they would like to speak.

Jeff and Laurie Mapes 33973 SE Oakridge Dr Scappoose, OR 97056- Provided a handout of his concerns to all parties in the room. This was entered into the record. Jeff has concerns about the amount of events Bart is proposing. This would be about every weekend during the summer. He asks that if this is approved, that there be additional conditions to help mitigate negative impacts. Requests that a condition be added to state that the speakers must be aimed at the barn and away from the residences. He also requests that attendees provide contact information in the notice, so they can be contacted in case it's too loud or there is issues. Laurie Mapes responds to the question earlier asked about what the County's noise ordinance decibel is. She states that the limit is 60 decibels during the day, and 50 decibels from 10PM-7AM. The issue with the boundary and the fence is that the area that the notices would be put, are actually on her property.

Caroline Celik has a final remark, stating that the standard for a home occupation permit states that it shall not unreasonably interfere with other uses permitted within the zone that the property is located on. Applicant has worked very hard to accommodate and limit the interference. With regard to the concept of how this application has evolved, was due to applicant hiring an attorney and therefore is working with them to be in compliance and code. Caroline is requesting that there be a continuance to be able to update the approval conditions. They do not want to rush this process. Applicant is agreeable to the condition stating that the speakers would be aimed at the barn.

Alta closes the record for oral testimony on CU 23-12

Brian Brust reiterates that he has issues with the noise decibel. Spencer Parsons confirms that we don't monitor compliance, which would fall under the noise ordinance.

Spencer asks if the applicant is requesting a continuance. Applicants' attorney confirms they would like the 7,7,7 continuance. This hearing will be continued to August 5, 2024.

Continuance Terms: (7,7,7)

- First 7 days- Open to public comments 7/8
- Second 7 days- Open to rebuttal to comments submitted in first 7-day period 7/15
- Third 7 days- Applicants final written argument 7/22

Brian would like to make a motion to remove the condition (17) that requires applicant to provide advanced written notice to neighbors.

Alta makes a motion to continue CU 23-12 to August 5, 2024, leaving the record open to July 8th for written testimony, July 15 for rebuttal of written testimony, and July 22 for applicants' final written argument.

Alta- so moved.

Bryan Brust seconds

Roll Call Vote

Chris- Yes

Alta-Yes

Brian- Yes

Kat- Yes

Meeting Adjourned at 8:45PM