

PASSED

**IN THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON**

**ORDER NO.**

02-9-25-7

**) IN THE MATTER OF ADOPTING FINDINGS OF  
) FACT, CONCLUSIONS AND A FINAL DECISION  
) IN THE APPEAL OF A HEARINGS OFFICIAL  
) DECISION DENYING A HOME OCCUPATION AND  
) TEMPORARY PERMIT WITHIN THE RURAL  
) RESIDENTIAL ZONE (RR 10) ON A PARCEL OF  
) LAND IDENTIFIED AS TAX LOTS 211 AND 205  
) OF ASSESSOR'S MAP 16-05-18 (PA 01-5803  
) AND PA 01-5804/Neumann)**

WHEREAS, the Lane County Hearings Official, on February 4, 2002, made a decision denying approval of Home Occupation application PA 01-5803 and Temporary Permit application PA 01-5804 to develop a special event/wedding facility on tax lots 211 and 205 of Assessor's Map 16-05-18; and

WHEREAS, the Lane County Hearings Official, on February 27, 2002, affirmed his decision on application PA 01-5803 and PA 01-5804; and

WHEREAS, the Board of County Commissioners decided to hear the appeal pursuant to Order No. 02-3-12-5, adopted on March 20, 2002; and

WHEREAS, the Board of County Commissioners conducted an on-the-record hearing on April 17, 2002, and heard oral arguments regarding the appeal; NOW

THEREFORE, BE IT ORDERED that based on the record of this matter and the findings of fact and conclusions of law in Exhibit "A" adopted here as if fully set forth, the Board of County Commissioners of Lane County finds and orders as follows:

1. The Hearings Official's analysis, findings of fact, and interpretations in support of the decision denying application PA 01-5803 and PA 01-5804 are inconsistent with the evidence in the record, applicable state law, Lane County ordinances and the acknowledged Lane County Rural Comprehensive Plan and that decision is reversed.

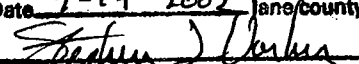
2. Those portions of the Hearings Official's decision, containing analysis, findings of fact, interpretations and conclusions that the applicant has demonstrated compliance with applicable criteria, are affirmed as the Board's own analysis, findings of fact, interpretations and conclusions to the extent that they are consistent with the findings of fact and conclusions of law set forth in Exhibit "A."

3. Application PA 01-5803 and application PA 01-5804 are approved to allow and authorize the use of the subject property for a special event business of weddings, business meetings and conferences. The authorized use of the subject property is subject to the property owner's compliance with the Conditions of Approval attached as "Attachment A" to the findings of fact and conclusions of law set forth in "Exhibit A".

DATED this 13<sup>th</sup> NOVEMBER  
25<sup>th</sup> day of Sept, 2002

  
Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 9-17-2002 Lane County  
  
OFFICE OF LEGAL COUNSEL

**FINDINGS IN SUPPORT OF THE ORDER**

1. The subject property is identified as tax lots 211 and 205 of Lane County Assessor's Map 16-05-18. The 22.7-acre property is located on the northern side of Hall Road, approximately 2 miles west of Highway 36, and has a site address of 25545 Hall Road, Junction City, Oregon. The property is developed with a single-family dwelling, barn and pole building. ~~The subject property is zoned Rural Residential, 10-acre minimum (RR-10). Properties to the east, south and west are zoned RR-10 and are developed with residences and accessory buildings. Lands to the north and northwest are zoned Non-Impacted Forest Land (F-1) and are utilized for commercial forestry and grazing. The proposed use will occur on the subject property approximately 450 feet from the nearest dwelling located on abutting property.~~

2. Fire protection is provided to the subject property by Lane County Rural Fire Protection District No. 1, power is provided by Blachly-Lane Electric Co-op, water is provided by an on-site well and sewer is provided by an on-site septic system.

3. The applicant proposes to operate a special event business for weddings, business meetings and conferences. Proposed hours of operation are from 9:00 a.m. to sunset, during the months of May through October. Administrative business consultations and changing rooms will be available within the existing dwelling. The pole building was approved and constructed as an accessory building pursuant to Building Permit No. BP002243. The pole building is currently used for storage purposes. The Lane County Building Division has determined that bathrooms in conjunction with the proposed use are required to be provided on the subject property (and could be constructed within the pole building if the applicant so chooses), that electrical power is required to be provided to the pole building if the building has walls constructed (which is not proposed by the applicant) and that no structural modification to the pole building is necessary for its use as proposed by the applicant. The pole building is located more than 35 feet from tax lot 206 and near a natural rock wall that projects vertically around two sides of the building and between the building and tax lot 206. The subject property contains walkways constrained by natural topography, fences, forest and other vegetation that confine the proposed activities to the designated areas. The landscaped area around the pole building will be used for outside gatherings and movement of participants. Parking will occur in the field between the barn and dwelling, along the driveway of the subject property and in front of the dwelling.

4. The applicant has submitted an application for a home occupation permit, pursuant to LC 16.231(3)(b), for all portions of the proposed use that will occur within structures and has submitted an application for temporary use, pursuant to LC 16.255, for all portions of the proposed use that will occur outside of structures.

5. Additional traffic due to the proposed use would include participants of weddings or other special events and caterers and other service providers to the events. The number of participants would vary with the type and size of the events. Some events may involve as few as 20 people or as many as 150. The subject property is located about two miles from the intersection of Hall Road and Highway 36, after milepost 2.0. The average daily traffic volume in 1997 at milepost 1.806 was 280 vehicles.

6. It is found that the record provides substantial testimony from the applicant and other parties regarding many and a variety of uses and sound and noise sources existing in the vicinity of the subject property that are common to rural residential and commercial forestry zones throughout Lane County, including, but not limited to, logging practices, a small sawmill business, regular flow of traffic, amplified music frequently played outdoors on property adjacent to the subject property and residential/business uses. In addition, the applicant testified that, for over a decade, community youth programs were held on the subject property throughout the summer months, with as many as 300 participants, including children of abutting properties, and without complaint made to Lane County.

It is found that the aforementioned testimony must be considered and weighed against the testimony of other parties and with the observations of the Hearings Official during his mid-week, mid-day site visit (which, while found to be a reasonable assessment of the level of use and sound during that particular period of the week and day, is found to be an assessment of a snapshot in time and not necessarily representative of all periods of the week and day when residents of the area are in the area and not at work away from home or of periods of business and commercial forestry operations that occur in the area). Taking all of the testimony under consideration, it is found that this particular residential area has many uses and many sound sources during different times of the day and week that are common in rural residential areas throughout Lane County.

It is further found, based on all of the testimony in the record, that this residential area experiences differing levels of "peace and quiet" and "tranquility" at different times during the day and week which is also common during various times throughout rural residential areas in Lane County and that this particular area is not unique in that it is not any more peaceful or tranquil than other areas of rural residential use. The Board does not agree with the Hearings Official's finding in the third paragraph of paragraph 5. of the decision that, as a fact, the environment of this particular rural residential area is continually any more "peaceful" or "bucolic" than any other area of rural residential use located within Lane County.

7. It is found, based upon the testimony in the record and particularly that of the applicant's acoustical engineer, that the proposed uses, including traffic, will not generate sound or noise exceeding acceptable levels established by state law or the provisions of Lane Code.

8. It is found that the application for home occupation complies with the applicable provisions of ORS 215.448. Those provisions which apply to rural residential zones provide that Lane County may establish additional reasonable conditions of approval for the establishment of a home occupation. Such conditions of approval, found to be necessary to ensure compliance with

Lane Code provisions regarding interference with neighboring uses (LC 16.231(3)(b)(v)), (as well as adverse effects on the livability or appropriate development of abutting properties and the surrounding vicinity (LC 16.255(2)(a)(ii)(aa) and (bb))), are adopted and incorporated into the Order and these Findings and attached hereto as Attachment "A" and hereinafter referred to as "the conditions." This decision does not permit the construction of any structure that would not otherwise be allowed in the rural residential zone and approval of the proposed home occupation shall not be used as justification for a zone change.

9. It is found that the applicant has demonstrated that the application for home occupation in the Rural Residential Zone complies with the following applicable Lane Code provisions:

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LC 16.231(3)(b)(i): *"Will be operated by a resident of the property on which the business is located."* Carol Neumann and Timothy Benton are residents of the property and are the individuals proposed to operate the home occupation.

LC 16.231(3)(b)(ii): *"Will employ no more than five full time or part-time persons."* Only Carol Neumann and Timothy Benton are proposed as employees of the home occupation. Vendors of service to the home occupation (caterers, florists, etc.) will be independent contractors and are not considered employees of the home occupation.

LC 16.231(3)(b)(iii): *"Will be operated in a dwelling or mobile home, or other buildings normally associated with uses permitted under LC 16.231(2) above."* The applicant proposes to operate the indoor aspects of the proposed use in the existing dwelling and in the existing pole building located on the subject property. The dwelling will be used for the administration of the proposed use and changing rooms and the pole building will be used for assembly of guests for receptions and ceremonies. It is found that the proposed indoor uses will be operated in the dwelling and in the existing pole building.

The applicant also proposes to have guests move about the subject property, utilizing the pathways and amenities of the property. It is found that the proposed use of the subject property, outside of the dwelling and the pole building, is appropriately and adequately regulated by LC 16.255 and that the applicant has placed such proposed uses within that regulatory process by the filing of the application for temporary permit (PA 01-5804). The Board interprets Lane Code to allow proposed uses with both indoor and outdoor activities to occur pursuant to approval of companion applications for home occupations pursuant to LC 16.231(3)(b) and temporary use pursuant to LC 16.255(2)(a)(iii). That interpretation is consistent with and reaffirms Lane County practice and procedure regarding proposals similar in nature to the subject proposal, particularly those applications seeking approval of outdoor weddings in the rural residential zone (as noted by the Hearings Official on Page 8 of the decision).

It is further found that the use of the pole building complies with LC 16.231(3)(b)(iii) as the pole building is one normally associated with uses in the rural residential zone. The building is an open-walled, pole building with floor and roof. It is approximately 1844 square feet in size. It

is found that buildings of similar type and size are routinely approved by Lane County as accessory buildings in the rural residential zone and that such buildings are utilized in a variety of ways permitted in the rural residential zone. In particular, storage buildings, animal shelters, hobby shops, playhouses and woodsheds are all permitted accessory buildings housing uses that may be permitted in the rural residential zone. The applicant has provided testimony that the building is used for storage purposes and would continue to be so used when not in use by guests. Lane Code contains no size or dimension requirements or restrictions on accessory buildings in the rural residential zone and the Board interprets that omission (and Lane Code) as significant and as a legislative determination that Lane County does not regulate the size of an accessory building in that zone.

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It is further found that Lane Code land use regulations contain no requirements or restrictions on the inclusion of electrical power or bathrooms in accessory buildings in rural residential zones and that Lane County, by such omission from Lane Code and as demonstrated by established practice of the Lane County regulatory departments (Building and Planning), has legislatively determined that electrical power and bathrooms are permissible in accessory buildings for permitted uses in that zone. Accordingly, it is further found that the requirement that electrical power and bathrooms be provided in an accessory building for use in a home occupation does not necessarily render that building one not normally associated with uses in the rural residential zone.

It is further found, and LC 16.231(3)(b)(iii) is so interpreted, that a determination that the size of an accessory building would allow for the assembly of a large number of people does not alter or transform a previous determination (when the building was approved for construction and use as an accessory building in the rural residential zone) that the subject building is normally associated with (and permitted for) uses allowed in the zone.

It is found that no remodel or significant structural modification of the pole building is either proposed by the applicant or required by the Lane County Building Division. Aside from the addition of electrical power (only required if the open walls are closed which is not proposed because the building will be for day use only) and bathrooms (only required on the subject property and not necessarily within the building), the pole building is not required to be structurally modified to allow the proposed use. Accordingly, it is found that the nature of the building remains intact with all existing characteristics of the building retained, as previously approved by Lane County as an accessory building, and that the building remains one normally associated with permitted uses in the rural residential zone.

The foregoing findings and interpretations regarding LC 16.231(3)(b)(iii) are adopted in support of the Board's determination that the Hearings Official's decision was in error and misinterpreted Lane Code LC 16.231(3)(b)(iii). It is further found that the Hearings Official's conclusions and decision regarding LC 16.231(3)(b)(iii) are not consistent with past Lane County practice, past Lane County legislative intent or the interpretation and legislative intent of these findings regarding that Lane Code provision. The Hearings Official found that "a building large enough to support the assembly of 150 people is not accessory to any use permitted under Lane Code

16.231(2).” Based on the findings and interpretations provided herein regarding LC 16.231(3)(b)(iii), it is found that the Hearings Official’s finding and conclusion in that regard is in error and is reversed.

LC 16.231(3)(b)(iv): *“Any structure that would not otherwise be allowed in this zone shall not be allowed for use as a home occupation.”* It is found that the pole building has previously been approved by Lane County as an accessory building in the rural residential zone. The Board incorporates the findings regarding LC 16.231(3)(b)(iii) above in support of its conclusion and decision that the pole building is a structure allowed in the zone and that the proposed use of the pole building complies with LC 16.231(3)(b)(iv).

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LC 16.231(3)(b)(v): *“Will not interfere with existing uses on nearby land or with other uses permitted under LC 16.231(2).”* It is found that the proposed use will not interfere with commercial forestry uses in the area and the Board requires, as a condition of approval of the proposed use, that the applicant execute and record a Farm and Forest Management Agreement that runs with the land and prohibits the owner of the subject property from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

It is found that the proposed use will not interfere with rural residential use in the area. It is found that substantial evidence exists in the record to demonstrate that the subject area is not unique or unusual regarding quietness or tranquility. As found above in paragraph 6. of these findings, the area surrounding the subject property has many uses and produces a variety of sounds and noise levels throughout the day and week. Testimony in the record suggests that at certain times of the day and week the area is peaceful and tranquil and that at other times the activity and sounds of landowner use are noticeable. That testimony indicates that this particular rural residential/commercial forestry area has much in common with other similar areas of Lane County in terms of varying levels of peace and quiet. The Board disagrees with the Hearings Official that this particular area of rural Lane County has any higher degree of quiet and tranquility than other similar areas of Lane County described by the evidence in the record. It is further found that this particular area of rural Lane County does not have a higher degree of peace and quiet that requires Lane County to afford it additional protection from the sound and activity generated by a new use in the area than it would afford to any other similar area of rural Lane County.

It is further found that Lane County has legislatively determined that new uses of property involving increased activity, traffic and sound may be conditionally introduced into an area of rural residential use. LC 16.231 provides for the potential approval of a variety of uses that may be conditionally introduced into such an area in addition to home occupations. Those include, but are not limited to, churches, cemeteries, group care homes, lodges and grange halls. The provision for such conditional uses in the rural residential zone precludes the notion that rural residential areas are to remain static in use and limited only to the use and enjoyment of land for strictly residential purposes.

It is found that a variety of factors lead to a conclusion that, with compliance with and fulfillment of the conditions required in this decision, the proposed use will not interfere with rural residential use of nearby land. The applicant's aerial and site photographs demonstrate that the area and the subject property are heavily forested and that the vegetation effectively screens the site of the proposed use from dwellings on adjacent properties. Testimony in the record indicates that only the roof of the pole building is visible from the adjacent dwelling. It is found that the screening, coupled with berms constructed by the applicant and the additional planting of vegetation near Hall Road, significantly reduces the visibility of the subject property and the uses thereon from adjacent and nearby dwellings. It is found that the screening and the existence of the natural rock wall protruding behind the pole building and between the subject property and the adjacent dwelling significantly reduces the movement of sound produced in and around the pole building. The applicant's acoustical engineer provided testimony that the screening and distances between nearby dwellings and the masking effect of both factors, coupled with the constructed waterfall, will significantly reduce the movement of sound from the subject property to other properties in the area.

It is found that the conditions will add to the physical nature of the subject property in reducing visual and sound effects on nearby properties. Conditions 8. through 14. limit the frequency, duration and scope of the proposed events, require maintenance of topographical and vegetative screening of the proposed use and require minimization of dust during events. Limiting the proposed use to once a week during the months of May through October only, requiring that all events be concluded prior to sunset, limiting the participants to 150 persons, and limiting the direction and wattage of any lighting on the pole building will all contribute to reducing the visual and sound effects on nearby properties. Requiring the applicant to install sound meters and volume control devices (Condition 5.) will assist the applicant in maintaining sound levels that do not exceed local or state requirements. Furthermore, the findings, interpretations and conclusions regarding use of county roads and "headlight trespass" provided in paragraph 10. below are hereby incorporated herein as though fully set forth.

It is found that the combination of the above mentioned factors and the conditions required of the applicant will ensure that the proposed use will not interfere with nearby uses and fulfills the requirement of LC 16.231(3)(b)(v).

LC 16.231(3)(b)(vi): "*Will comply with sanitation and building code requirements.*" Condition 3., Condition 15., and Condition 20. of Attachment "A" are adopted to assure compliance with LC 16.231(3)(b)(vi) subsequent to approval of the subject applications.

LC 16.231(3)(b)(vii): "*Will not be used as a justification for a zone change.*" No zone change is proposed by either of the subject applications, and Condition 18. of Attachment "A" is adopted to assure compliance with LC 16.231(3)(b)(vii) subsequent to approval of the subject applications.

LC 16.231(3)(b)(viii): *“Will comply with any additional conditions of approval.”* Additional conditions of approval are adopted and included in Attachment “A.” Compliance with all of the conditions of approval is required by Condition 1. of Attachment “A” and by LC 16.231(3)(b)(ix).

LC 16.231(3)(b)(ix): Condition 1. of Attachment “A” is adopted to assure compliance, subsequent to approval of the subject applications, with LC 16.231(3)(b)(ix) which provides for review and renewal of home occupation permits.

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10. It is found that the applicant has demonstrated that the application for temporary use complies with the following applicable Lane Code provisions:

LC 16.255(2)(a)(iii): *“Open land uses which do not involve structures with a combined value in excess of \$1,000.”* It is found that Lane Code is interpreted to allow proposed uses with both indoor and outdoor activities to occur in rural residential zones pursuant to approval of companion applications for home occupations pursuant to LC 16.231(3)(b) (for indoor activities) and temporary use pursuant to LC 16.255(2)(a)(iii) (for outdoor activities). That interpretation is consistent with and reaffirms Lane County practice and procedure regarding previous proposals similar in nature to the subject proposal, particularly those applications seeking approval of outdoor weddings in the rural residential zone. As noted by the Hearings Official, Lane County has previously applied the two Lane Code provisions together in its approval of applications for outdoor wedding businesses in rural residential zones. To interpret Lane Code differently would be inconsistent with its previous interpretation and application and would lead to the complete prohibition of outdoor weddings and other outdoor business activities in the rural residential zone—a result that is found to be inappropriate in the absence of additional legislative consideration and action by Lane County. Furthermore, that interpretation is found to be consistent with ORS 215.448.

It is further found that the two Lane Code provisions, while permitting indoor and outdoor business uses when applied together, provide the criteria for and the regulation of such indoor and outdoor uses within the rural residential zone. It is found that such outdoor uses, regulated by LC 16.255(2)(a)(iii), do not necessarily involve the structures that are associated with indoor uses regulated by LC 16.231 and that, in this case, the proposed outdoor activities do not involve the dwelling and the pole building. It is further found that no additional structures are proposed for construction or use associated with the proposed outdoor activities and that the subject application for a temporary use permit complies with LC 16.255(2)(a)(iii).

LC 16.255(2)(a)(iii)(aa): *“Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity.”* Findings 6. and 7. of these Findings and the above findings regarding LC 16.231(3)(b)(v) are incorporated into findings regarding LC 16.255(2)(a)(iii)(aa) as though fully set forth. In those findings the Board describes its conclusions regarding the nature, character and livability of the general area of rural residential and commercial forestry use along Hall Road. Those conclusions

include one that the subject area is not unique or unusual and that its nature, character and livability are similar to other rural residential areas in Lane County as described in the evidence in the record. Testimony in the record demonstrates that a variety of uses and sound sources, similar to other rural residential areas, exist within the area during various times of the day and week and that the subject area does not experience such a unique or unusual level of peace and tranquility as to remove or relieve its inhabitants from the expectation that additional uses and sound sources may be conditionally introduced to the area as allowed by the provisions of Lane Code. Furthermore, it is found that Lane Code's provision for the potential of a variety of uses and sound sources within the rural residential zones legislatively creates a presumption and an expectation that livability within the rural residential zone includes the conditional introduction of a variety of uses and sound sources. To reiterate from those findings regarding LC 16.231(3)(b), it is found that a variety of factors lead to a conclusion that, with the compliance with and fulfillment of the conditions required in this decision, the proposed use will be compatible with and will not adversely affect the livability of the surrounding vicinity. For all of the reasons set forth in the above-mentioned findings, the Board finds that the proposed use complies with LC 16.255(2)(a)(iii)(aa).

In addition to the reasons and conclusions set forth herein, it is found that the use of Lane County roads in this area by pedestrians, bicyclists and horseback riders is not a significant component of livability within the rural residential zone requiring specific identification or requiring protection from automobile traffic that does not exceed the carrying capacity or functional use of the road. Accordingly, it is further found that the use of Hall Road by pedestrians, bicyclists and horseback riders is not a significant component of the livability of the subject area. Lane County has not established legislatively, by action or policy, that non-motorized use of the county's roads takes precedence over motorized traffic of those roads. It is noted that while such non-motorized use of county roads does occasionally occur, such use is subordinate to motorized traffic and should not be considered a significant component of the livability of rural residential areas within Lane County. The Transportation Division of the Lane County Public Works Department determined that the proposed increase in traffic on Hall Road would not have a significant impact on the capacity or functional use of the road and, therefore, would not create a situation requiring a Traffic Impact Analysis to be completed. The Division further determined that the proposed increase in traffic would not result in the reclassification of Hall Road.

The limitation on the hours of the proposed use contained in Condition 8. requires that all participants leave the subject property prior to sunset. That condition serves to eliminate the situation of "headlight trespass" caused by the illumination of automobile headlights of departing participants being cast onto abutting properties. Furthermore, the applicant's construction of berms and planting of trees, hedges and other vegetation along the frontage of the subject property provides a substantial visual buffer of automobile use on the subject property. Condition 12. requires that the applicant maintain those visual buffers throughout the approval period. The applicant has constructed a new driveway that angles down toward the road. The driveway provides for one way traffic that exits the subject property near the aforementioned visual barriers.

It is found that, in addition to the above-mentioned factors and conditions, that fulfillment of Condition 8. will eliminate the issue of “headlight trespass” raised before the Hearings Official.

Findings regarding LC 16.231(3)(b)(v) are incorporated into these findings as though fully set forth. It is found that no substantial evidence exists in the record to demonstrate that the proposed use will adversely affect the development of abutting properties and the surrounding vicinity. Furthermore, no evidence exists in the record to indicate or demonstrate that the area will experience significant development in the foreseeable future. Incorporating all of the previous conclusion and findings, it is found that the proposed use complies with LC 16.255(2)(a)(iii)(aa).

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LC 16.255(2)(a)(iii)(bb): “*Will not be adversely affected by the development of abutting properties and the surrounding vicinity.*” It is found that evidence does not exist in the record to indicate or demonstrate that the area will experience significant development in the foreseeable future. The area is predominately zoned in scattered rural residential and forest use. No evidence exists in the record to demonstrate that development of abutting properties and the surrounding area will adversely affect the proposed use and the Board finds that the proposed use will comply with LC 16.255(2)(a)(iii)(bb).

11. It is found that the record in this matter consists of those items listed on the File Record Content Sheet identified as Attachment “B.” Items specifically excluded from the record are denoted in that document.

## ATTACHMENT "A"

### CONDITIONS OF APPROVAL

PA 01-5803

PA 01-5804

The following, as conditions set by the Lane County Board of Commissioners for approval of PA 01-5803 and PA 01-5804, shall be fulfilled and complied with by the applicant for so long as the applicant uses the subject property as provided in PA 01-5803 and PA 01-5804:

1. The applicant shall submit an application to renew the home occupation prior to December 31, 2003, and prior to December 31 of each subsequent year of operation. The applicant shall include the appropriate fee and a statement indicating that conditions of approval have been and continue to be met. The home occupation permit shall be renewed provided all conditions of approval continue to be met and provided the renewal is requested prior to the expiration of the approval period.
2. The Temporary Permit shall be valid for five years from the date of final approval.
3. Toilet facilities shall be provided throughout the approval period as a condition of approval of the proposed use of the subject accessory building. At least two temporary bathrooms, unisex and handicapped accessible, shall be provided during the first year of operation. Thereafter, at least two toilet facilities, unisex and handicapped accessible, shall be provided upon approval of necessary building and sanitation permits consistent with Lane County Code requirements. Toilet facilities shall be provided within 200 feet of the accessory building used pursuant to approval of PA 01-5803.
4. The property owner shall complete, have notarized and record at Lane County Deed Records a Farm and Forest Management Agreement or deed restriction that includes the legal description of the subject property, that runs with the land and that provides that the declarant accepts common and accepted timber practices on adjacent property as normal and necessary.
5. a. Prior to operation of the special event facility, the applicant shall install within the subject accessory building:
  - i. A preset, red light-green light sound meter, in a position recommended by an acoustical engineer, that will indicate when sound generated within the structure exceeds 60 dB, A at the subject property's boundary line, and

- ii. A built-in automatic gain control meter (pre-wired), recommended by an acoustical engineer, that restricts the volume on the house/accessory building sound system from producing sound exceeding 60 dB,A at the subject property line.
  - b. The installation and proper functioning of the sound control system shall be certified by an acoustical engineer in writing and submitted to the Land Management Division.
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6. ~~The business shall be operated by a resident of the subject property and shall employ no more than five full or part-time persons.~~
  7. The home occupation and temporary use shall be conducted as represented in the applicant's written application, as shown on the approved plot plan identified as Attachment "C" to this Order and made a part of these conditions and subject to the conditions of approval contained herein.
  8. The hours of operation of special events (weddings and other proposed events) shall be limited to 9:00 a.m. to sunset, during the months of May through October only each year. The applicant shall end events at least one hour before sunset (as indicated by Astronomical U.S. Naval Tables). The applicant shall assure that all event guests, caterers, landscape maintenance, musicians, and other vendors of services arrive on the subject property after 9:00 a.m. and leave the subject property before sunset.
  9. Special events of the home occupation and temporary use shall be limited to one per week. Two events shall not be held on the same weekend. No events shall be held within the same week as a non-home occupation/temporary use event of a similar nature. No more than 150 people shall attend any one event.
  10. No overnight use is allowed in conjunction with the home occupation or temporary use.
  11. The driveway, parking area and all other exterior areas related to the home occupation and temporary permit shall be maintained in a dust-free condition during the event season.
  12. The applicant shall maintain the existing berms and plants in good condition throughout the approval period.
  13. All fencing and landscaping shall comply with applicable Lane Code provisions.
  14. Lighting is not required in the accessory building. Any lighting constructed or placed within or upon the accessory building shall be directed away, as much as

reasonably possible, from adjoining property. Such lighting shall be of the minimum wattage necessary to provide adequate lighting under the circumstances existing at that time.

15. A Building Permit shall be obtained for the proposed identification sign. The identification sign shall not extend over the public right-of-way of any public road or project beyond the property line, shall not be illuminated, shall not be capable of movement and shall be limited in size to 2' x 3'. Directional signs and signs designating "smoking areas" and "no smoking areas" shall be posted on the subject property. ~~Fireworks shall not be allowed during special events and a "no fireworks" sign shall be posted during events held on the Fourth of July. No off-premise signs shall be allowed. The applicant is responsible to inform clients of this restriction and shall take reasonable steps to insure compliance.~~
16. Any vegetation removal within the 50-foot setback of Jones Creek shall comply with Lane Code provisions regarding vegetation removal.
17. Roadside ditches and other drainage facilities shall be designed and constructed solely to promote drainage of roadways without interfering with natural waterways. Whenever a roadway crosses a natural channel or waterway, culverts shall be installed to maintain natural water flow. Such natural waterways shall be identified by survey of the topography and/or aerial photography of the surrounding area. Roadside ditches shall not be used as channels for water diverted from property, except through Facility Permit issued to the landowner on application to the Director, Department of Public Works.
18. The home occupation shall not be used as a justification for a zone change.
19. The applicant shall meet all applicable federal state and local regulations.
20. Prior to operation of the special event facility, the applicant shall obtain a permit to remodel the existing residence to allow the use of the structure for "changing rooms." All modifications required by the permit shall be completed and receive final building inspection prior to the operation of the facility.
21. Participants at special events shall be limited to 70 vehicles. Adequate parking shall be provided on site, without blocking the driveway or impeding the access for emergency vehicles. The applicant shall prepare a site plan, drawn at a suitable scale, that delineates an 11' x 22' parking space for each of the 70 vehicles along the driveway or within the 3-acre field. The site plan shall be submitted to the Land Management Division prior to operation of the special event facility.

ATTACHMENT "B"

FILE RECORD CONTENT SHEET

PA 01-5803/5804

<u>No.</u>	<u>Item</u>	<u>Date</u>
1.	Applicant's Submittal PA01-5803 (Home Occupation Permit)	6/26/01
	a) Land Use Application	
	b) List of documents submitted	
	c) Proposal for Home Occupation/Temp. Use Permits	
	d) Lane County code criteria written response	
	e) Approved application for facility permit	
	f) Current A& T map	
	g) Aerial photo	
	h) Landscape photo	
	i) Plot plan	
	j) Parking plot plan	
	k) Riparian plot plan	
	l) Flood plain map	
	m) State of Oregon water supply well report	
	n) Analytical report on water supply-Delta Environmental	
	o) Tax Statements	
	p) Memorandum of land sale contract	
	q) Report by sound engineer	
	r) Receipt for payment	
2.	Applicant's Submittal PA01-5804 (HO Temp Permit)	6/26/01
	a) Land Use Application	
	b) List of documents submitted	
	c) Proposal for Home Occupation & Temp. Use permits	
	d) Lane County code criteria written response	
	e) Approved Application for facility permit	
	f) Current A&T map	
	g) Aerial photo	
	h) Landscape photo	
	i) Plot plan	
	j) Parking plot plan	
	k) Riparian plot plan	
	l) Flood plain map	
	m) State of Oregon water supply well report	
	n) Analytical report on water supply from Delta Environmental	
	o) Tax statements	
	p) Memorandum of land sale contract	
	q) Report by sound engineer	

# FILE RECORD CONTENT SHEET

PA 01-5803/5804

<u>No.</u>	<u>Item</u>	<u>Date</u>
	r) Receipt for payment	
3.	Application Acceptance Notice	7/26/01
4.	Request for mapping	7/27/01
5.	Referral request	7/30/01
6.	Notice of Hearing	7/30/01
	a) Attachment-addressing map	
7.	Certificate of Mailing	7/30/01
8.	E-mail from Dave White to Thom Lanfear	7/30/01
9.	E-mail from George Ehlers to Thom Lanfear	8/03/01
10.	Letter from Linda Stork	8/7/01
11.	Certificate of Posting	8/16/01
12.	Letter from Carol Neumann to Thom Lanfear	8/17/01
13.	Letter from Steve Cornacchia to Thom Lanfear	8/20/01
14.	Letter from Carol Neumann to Thom Lanfear	8/23/01
15.	Letter from Brad Vehafic	8/23/01
16.	Letter from Staci Rue	8/23/01
17.	Letter from Kathy Lietz	8/23/01
18.	Letter from Robert (unrecognizable signature)	8/23/01
19.	Letter from Gordon Washe	8/23/01
20.	Letter from Lisa Nicholsva	8/23/01
21.	Letter from Jan & Debra Trudell & 4 co-signers	8/23/01
22.	Letter from Caroline Flory & 11 co-signers	8/23/01
23.	Letter from Gary Crum	8/28/01
24.	E-mail from Gary Luke to Thom Lanfear	8/29/01
25.	Staff Report	8/30/01
26.	Letter from Gary Crum (Correction of 8/28/01 letter)	9/3/01
27.	Letter from Gary Crum	9/4/01
28.	Letter from Becky Powell	9/4/01
29.	Letter from James Spickerman to Gary Darnielle	9/5/01
30.	Letter from Tom Morgan to Gary Crum	9/5/01
31.	Letter from Regina Chance to Larry Larson	9/5/01
32.	Testimony by Carol Neumann at hearing & letters of support presented by Carol Neumann at hearing	9/6/01
	A) Addendum to Statistical Study of June 20, 2001	
	a) Letter from Terry Callahan	
	b) Letter from Tony Glover	
	c) Letter from Tera Kikers	
	d) Letter from Naomah & Alan Wittmer	
	e) Letter from Rhonda Slocum	

\*\* denotes item excluded from record

# FILE RECORD CONTENT SHEET

PA 01-5803/5804

<u>No.</u>	<u>Item</u>	<u>Date</u>
f)	Letter from Gary McNabb	
g)	Letter from Lisa Birkby	
h)	Letter from Les Senff	
i)	Letter from Chistina VanDriesche	
j)	Letter from David Griffin	
k)	Letter from Henry Woods	
l)	Letter from Gloria Linscott	
m)	Letter from James Young	
n)	Letter from Darla Humbert	
o)	Letter from Indira Battan	
p)	Letter from Jennifer McBride	
q)	Letter from David Stetta	
r)	Letter from Connie Casteel	
s)	Letter from Jennifer Braun	
t)	Letter from Wes Pierson	
u)	Letter from Tim Stuart	
v)	Letter from Lucille Salmony	
w)	Letter from William Smith	
x)	Letter from Carol Ann Hickman	
y)	Letter from Brenda Logan	
z)	Letter from Mark Hickman	
aa)	Letter from Joan Norris	
bb)	Letter from Mr. & Mrs. E.L. Gent	
cc)	Letter from Carl & Margarete Kerber	
dd)	Letter from Angela & Tim Pierson	
ee)	Letter from Dustin & Roxanne Neumann	
ff)	Letter from Jacqui Edwards	
gg)	Letter from Leena Haggard	
hh)	Letter from Jo Cain	
ii)	Letter from Ellen Wright-Adams	
jj)	Letter from Laura Magpole	
kk)	Letter from Kristy Seitz	
ll)	Letter from Elise Campbell	
mm)	Letter from Meggan Uecker	
nn)	Letter from Peggy Renfroe	
oo)	Letter from Travis Stockdale	
pp)	Letter from Helen Blackman	
qq)	Letter from Randall Chamberlain	
rr)	Letter from Bruce & Elaine Koffler	
ss)	Letter from Timothy Cain	
tt)	Letter from Mira Rinehart	
uu)	Letter from Jill Benson	

\*\* denotes item excluded from record

# FILE RECORD CONTENT SHEET

PA 01-5803/5804

<u>No.</u>	<u>Item</u>	<u>Date</u>
	vv) Letter from Todd Farmer	
	ww) Letter from Verna Glenn	
	xx) Letter from Wendy Meryduth	
	yy) Letter from Cheryl Akers	
	zz) Letter from ND Freechild	
	aaa) Letter from Dwayne Theabolt	
	bbb) Letter from Dr. Renata Hennell	
	ccc) Letter from Derek Chamberline	
	ddd) Letter from Kimberly Neumann	
	eee) Letter from Owen Garber	
	fff) Letter from Karen Crisp	
	ggg) Letter from Ernest, Donald, & Ellenor Smyth	
	hhh) Letter from Joe Neely	
	iii) Letter from (unrecognizable signature)	
	jjj) Letter Terese Magpole	
	kkk) Letter from Kimberly Neumann (2 <sup>nd</sup> )	
	lll) Letter from Carol Ann Hickman(2 <sup>nd</sup> )	
	mmm) Letter from Laura Magpole(2 <sup>nd</sup> )	
33.	Testimony by Marina Coats	9/6/01
34.	Testimony by Mike Theole	9/6/01
	a) Attachment-Map showing Neumann Property & Franklin Churches	
	b) Advertisement in yellow pages for Dancing Deer Mountain Weddings	
	c) Suggested Conditional Use Standards	
	d) Affirmation of Appellant's Appeal, PA00-5571	
35.	Photo submitted at hearing	9/6/01
36.	Hearing Official Sign-Up Sheet	9/6/01
37.	Memorandum from Gary Darnielle to interested parties regarding Site View	9/14/01
38.	Letter from Steve Cornacchia to Gary Darnielle with attachments	10/5/01
	a) Letter from Roger McGuckin to Steve Cornacchia	
	b) Letter from Arthur Noxon, Acoustical Engineer, To Gary Darnielle	
	c) Rebuttal to letter from Realtor from Jennifer & Daniel Peterson	
	d) Response to Michael Thoele's Suggested Conditional Use Standards by Carol Neumann	
39.	Letter from Gary Darnielle	10/11/01
40.	Letter from Carol Jarn	10/30/01
41.	Hearings Official Decision	2/4/02

\*\* denotes item excluded from record

# FILE RECORD CONTENT SHEET

PA 01-5803/5804

<u>No.</u>	<u>Item</u>	<u>Date</u>
42.	Certificate of Mailing	2/4/02
43	Appeal Submittal	2/13/02
	a) Application for appeal	
	b) Appeal statements	
	c) Photos of structure (same as 1G)	
	d) Aerial photo (same as 1G)	
	e) Hearings Official Decision PA 1914-98 & PA 1915-98 **	
	f) Letter from Daniel and Jennifer Peterson (same as 38C)	
	g) Letter from Dustin & Roxanne Neumann (same as 32ee)	
	h) Letter from Ellen Wright-Adams (same as 32ii)	
	i) Letter from Dr. Renata Hennell (same as 32bbb)	
	j) Letter from Ernie, Donald & Eleanor Smyth (same as 32ggg)	
	k) Letter from Derek Chamberline (same as 32ccc)	
	l) Letter from Kathy Lutz (same as 17)	
	m) Letter from Staci Rue (same as 16)	
	n) Letter from Owen Garber (same as 32eee)	
	o) Photos (3) of neighbors properties **	
	p) Report from Arthur Noxon of June 20, 2001 (different than 1Q)**	
	q) Addendum to Acoustical Study of June 20, 2001 (same as 32A)	
	r) Report from Arthur Noxon of 9/6/01 (same as 38B)	
	s) Letter from Arthur Noxon **	
44.	Letter from Gary Darnielle	2/27/02
45.	Notice of Appeal	2/27/02
46.	Certification of Mailing	2/28/02
47.	Agenda Cover Memo	3/1/02
48.	Revised notice of Appeal	3/4/02
49.	Certification of Mailing	3/5/02
50.	Board Order 02-3-12-5	3/20/02
51.	Letter from James Spickerman	10/19/01
52.	Letter from Carol Larson **	4/11/02
53.	Submittal from Carol Neumann **	4/17/02
54.	Oversize submittal #1 from Carol Neumann **	4/17/02
55.	Oversize submittal #2 from Carol Neumann **	4/17/02
56.	Lane Code 16.255 Temporary Permits submitted by James Spickerman	4/17/02
57.	Letter from Gary Crum 2pp.	4/17/02
58.	Letter from Gary Crum 11pp. **	4/17/02
59.	Supplemental Cover Memo	5/13/02
60.	Proposed findings submitted by applicant	7/1/02
61.	Letter from Thom Lanfear to James Spickerman	7/1/02
62.	Objections to Findings and Conclusions from James Spickerman	7/8/02
63.	Tapes (3) of 9/6/01 Hearing	
64.	Agenda Cover Memo	9/9/02

\*\* denotes item excluded from record

# FILE RECORD CONTENT SHEET

PA 01-5803/5804

<u>No.</u>	<u>Item</u>	<u>Date</u>
65.	Supplemental Cover Memo	9/24/02
66.	Items admitted to record on September 25, 2002	9/25/02
	A. Letter from Sandy Thoele dated May 31, 2002;	
	B. Letter from James Spickerman dated August 20, 2002;	
	C. E-mail from Carol Larson dated August 22, 2002 with attached letter and attachment (undated);	
	D. E-mail from Carol Larson dated September 18, 2002;	
	E. Letter from Steve Cornacchia dated September 24, 2002;	
	F. Letter from Carol Neumann dated September 24, 2002 with attached letter dated June 26, 2002;	
	G. Letter from Owen Garber dated August 26, 2001	
67.	Notice to Parties	10/04/02
68.	Letter from Gary Crum (undated)	10/09/02
69.	Letter from Becky Powell and Calvin Fagan dated October 8, 2002	10/10/02
70.	Letter from Gary Crum dated October 9, 2002	10/10/02
71.	Letter from Sandy Thoele dated October 10, 2002	10/10/02
72.	Letter from Carol Neumann dated October 10, 2002 with two attachments	10/11/02
	i. Letter from Blachly-Lane Electric Cooperative dated September 25, 2002	
	ii. Letter from Gary Crum dated August 12, 2002	
73.	Letter from James Spickerman dated October 11, 2002	10/11/02
74.	E-mail from Carol Larson dated October 11, 2002 w/photo attachment	10/11/02
75.	Letter from Suzanne Murray dated October 10, 2002	10/10/02
76.	E-mail from Mike Thoele dated October 11, 2002	10/11/02

\*\* denotes item excluded from record

# PLOT PLAN SUBMITTAL FORM

Use this sheet for your drawings

OWNER NAME:	CAROL C. NEUMANN	OWNER ADDRESS:	2545 HALL RD. TANCTON CITY, DE.
OWNER PHONE #:	541 978-2534		97448

APPLICANT NAME:	Carol C. Neumann
APPLICANT PHONE #:	541 978-2534

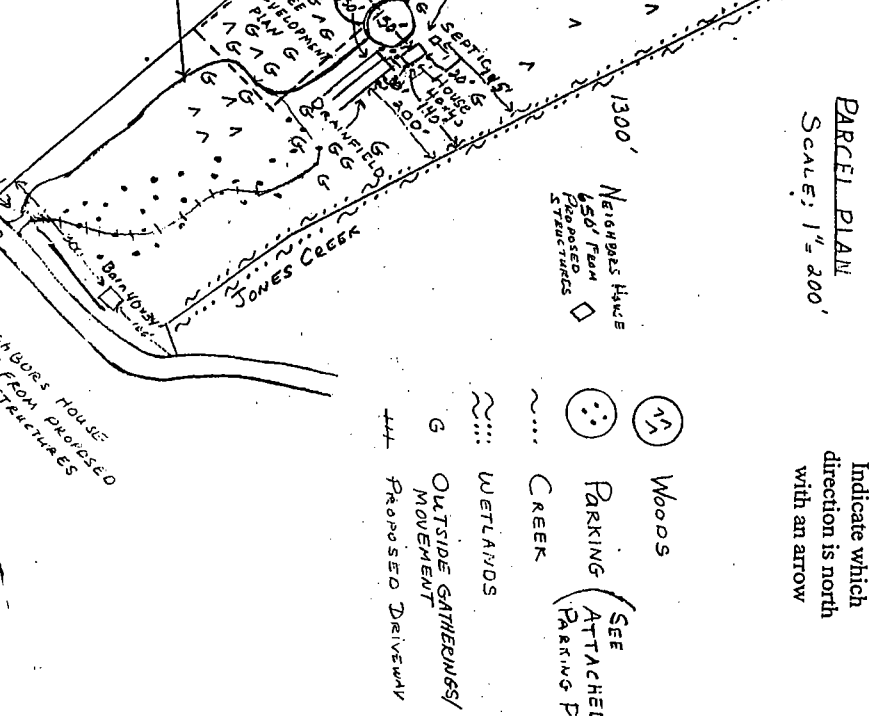
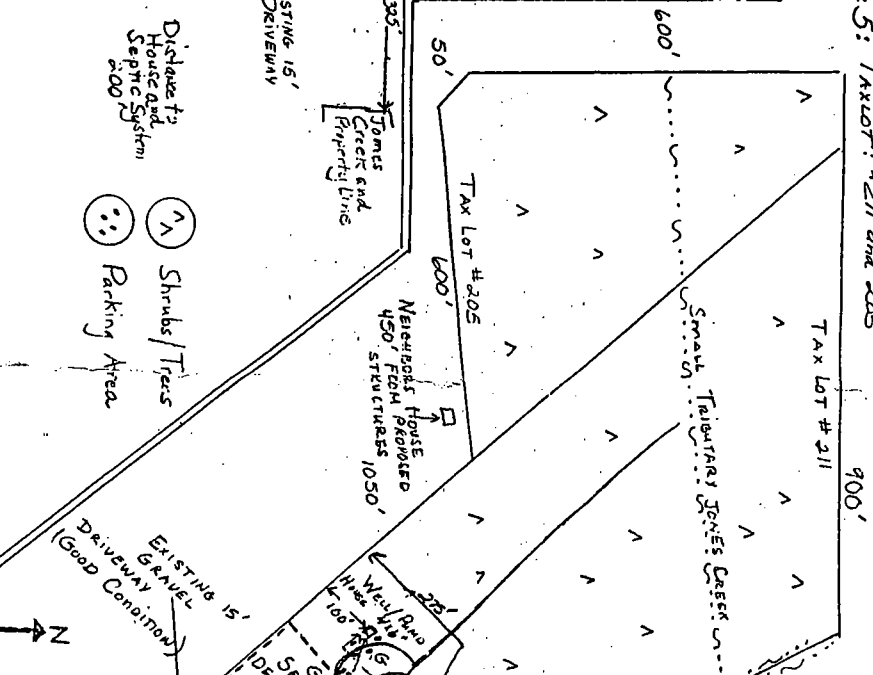
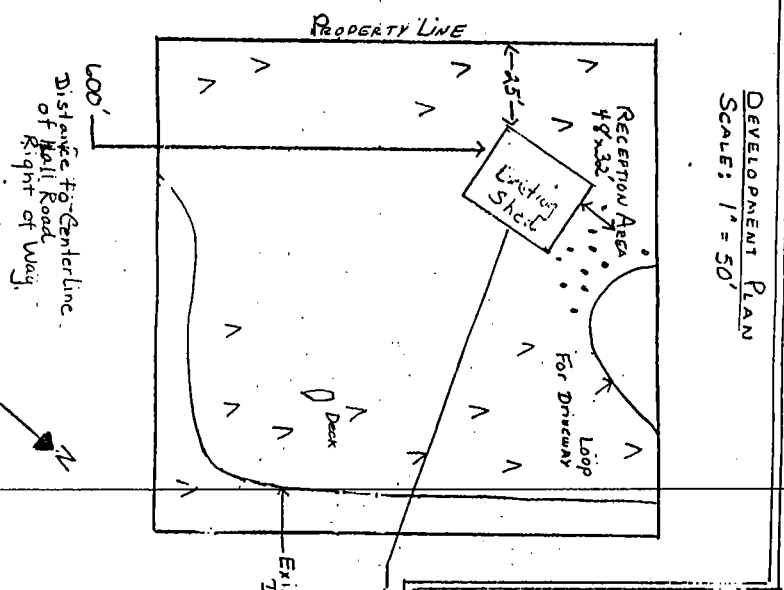
APPLICANT ADDRESS:	2545 Hall Road TANCTON CITY, DEEGOW
	97448

Map and Taxlot #: Section 18, Township 16, Range 5: Taxlot: #211 and #205  
 Scale: 1" = 200' For Parcel Plan

DEVELOPMENT PLAN  
 SCALE: 1" = 50'

PARCEL PLAN  
 SCALE: 1" = 200'

Indicate which direction is north with an arrow



FILE # 10-58034  
 EXHIBIT # 2-I