

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Upholding the Planning )  
Commission's Approval and Denying the Appeal )  
of Docket C-34-18; Approval of a Conditional )  
Use Permit for Modification of a Bed and ) Board Order 19-129  
Breakfast Inn Increasing the Number of Rooms )  
from Four to Five, Located at 10280 NE Oak )  
Springs Farm Road, Tax Lot 3319-300 )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on April 25, 2019, Commissioners Richard L. "Rick" Olson, Mary Starrett and Casey Kulla being present.

IT APPEARING TO THE BOARD as follows:

A. On February 21, 2019, the Planning Commission held a public hearing on an application by Sandan LLC (Abbey Road Farm) to expand an existing Bed and Breakfast from four to nine guest rooms at 10280 NE Oak Spring Farm Road. The hearing was continued to March 7, 2019 at which time the Commission voted four to two to approve the application, with conditions.

B. The Planning Commission's decision was appealed to the Board, which held a public hearing regarding the application on April 11, 2019. At the hearing, it was disclosed that the parties had negotiated a settlement between them, including revised conditions that limit the total number of guest rooms to five, with all of those rooms in the "silo" area of the property. Following the close of the hearing, the Board deliberated and voted unanimously (3-0) to uphold the Planning Commission's decision, deny the appeal, and approve the application, with the revised conditions; NOW THEREFORE,

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

Section 1. The Planning Commission's decision to approve Docket C-34-18 is hereby upheld, the appeal filed in this matter is denied, and the application is approved.

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Section 2. The findings and conditions attached as Exhibit A, and incorporated herein by reference, are hereby adopted in support of, and as part of, this order.

DONE this 25<sup>th</sup> day of April, 2019 at McMinnville, Oregon.

ATTEST:



YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN

County Clerk

*Richard L. Olson*

Chair

RICHARD L. "RICK" OLSON

By: *Carolina Rook*

Deputy Carolina Rook

Commissioner

*Mary Starrett*

MARY STARRETT

FORM APPROVED BY:

*Timothy S. Sadlo*

Commissioner

*Casey Kulla*

CASEY KULLA

Timothy S. Sadlo

Senior Assistant County Counsel

**Exhibit A**  
**Board Order 19-129**

**Findings in Support of Approval of**  
**Docket No. C-34-18 and Conditions of Approval**

**FINDINGS OF FACT:**

**A. Background Facts**

DOCKET NO.: C-34-18

REQUEST: A request for conditional use approval to increase the number of guestrooms offered at an existing bed and breakfast from four guestrooms to nine. The use was previously approved under Docket C-06-03 and C-19-17. Following negotiations between the applicant and the appellant, the number of total rooms requested was reduced to five, with all of them located in the existing 'silo' area of the property

APPLICANT: Abbey Road Farm

OWNER: Sandan, LLC

APPELLANT: Kathryn Jernstedt, representing Friends of Yamhill County

TAX LOT: 3319-300

LOCATION: 10280 NE Oak Springs Farm Road, Carlton

ZONE: EF-80, Exclusive Farm Use

CRITERIA: The request is subject to Sections 402.04(I), 402.07(A), 1004.01, 1012 and 1202.02 of the Yamhill County Zoning Ordinance

1. *Tract Size:* Approximately 82 acres.

2. *Access:* The property has direct access to both NE Oak Springs Farm Road and NE Abbey Road. Abbey Road is a paved and publicly maintained county road. Oak Springs Farm Road is a graveled county road. There are two existing access points along Oak Springs Farm Road, one of the access points is 45 feet in width and the second point will be widened to 20 feet. There is an existing access from Abbey Road as well, and this driveway will be widened to 20 feet. The applicant will be working with the County Road Department to add two additional access points to the property. One of the new access points will be located northwest area of the property, along Oak Springs Farm Road, and the second will be located at the southeast end of the property, along Abbey Road. The new driveway along Oak Springs Farm Road will be for vineyard access. The new driveway along Abbey Road will be used for winery and tasting room visitors, vineyard access, business deliveries, and mobile bottling trucks.

3. *On-site Land Use and Zoning:* The applicant recently planted approximately 20 acres of Pinot Noir, Pinot Meunier, Gamay Noir, Chardonnay, Cabernet Franc, and Chenin Franc vines on the parcel, in autumn of 2018. The applicant indicates that there is poultry and livestock located on the property. In addition to these farm uses the applicant is operating a four guestroom bed and breakfast operation from within converted grain silos, approved in Dockets C-06-03 and C-19-17. The applicant's requested bed and breakfast expansion was for two additional guestrooms to be rented from the converted silos and three guestrooms to be rented from the secondary farm help dwelling that the applicant refers to as the "ranch house". The applicant modified that request following settlement negotiations with the appellant, and this approval is for one additional guestroom in the silo building, for a total of five guestrooms on the property. The property has land use approval for the operation of an event center on-site, Dockets C-02-06 and C-20-17. As of the writing of this staff report, the applicant is requesting approval for the operation of a permitted use winery and tasting room which was approved by the Planning Commission and Board of Commissioners, on appeal. The applicant states that the wine production facility and tasting room will be in a structure that has been used as a horse barn and riding arena.

4. *Surrounding Land Use and Zoning:* The adjacent properties are all zoned for Exclusive Farm use, with EF-80 zoned parcels to the north, east, and west and EF-40 zoned parcels located to the south. The adjacent parcel to the southeast hosts the Trappist Abbey of Our Lady of Guadalupe and is partially zoned Public Assembly Institutional (PAI). The surrounding parcels range in size from approximately nineteen acres to over 900 acres. The parcels in the surrounding area are used for a mix of commercial agricultural uses, including vineyards, wine production, wine tasting rooms, grass seed and hay production, fruit and nut tree orchards, as well as livestock pasturage, amongst a number of other less prevalent farm uses. There are also some properties in the area that appear to be dedicated to timber production as well as rural residential and farm uses.

5. *Water:* The applicant has indicated that water is provided from on-site wells and water impoundments.

6. *Sewage Disposal:* Provided by on-site septic system.

7. *Fire Protection:* Carlton Rural Fire Department.

8. *Previous Actions:* In 1979, a conditional use permit was approved for the operation of a stable and riding arena as a home occupation, Docket C-341-79. Since that time the definition of farm use has expanded to include the training, boarding, and stabling of equines. A secondary farm help dwelling was approved in 2003, Docket FD-04-03. Approval for the operation of a four bedroom bed and breakfast was also approved in 2003, Docket C-06-03. The bed and breakfast was approved for operation from two of the existing grain silos on-site once they had been modified for residential use and occupancy. In 2003, approval was granted for the placement of two signs not to measure any larger than 12 square feet each, Docket SP-07-03. In 2006, a conditional use permit was approved for the hosting of gatherings and events for groups of less than 500 people, Docket C-02-06. In 2007, a conditional use permit was approved for a commercial activity in conjunction with farm use to operate a wine tasting room for the sale and promotion of local wines, Docket C-26-07. In 2017, the current property owners applied for a

transfer of ownership of both the event center and the four bedroom bed and breakfast to be operated from two of the existing grain silos, Dockets C-19-17 and C-20-17, and the applicant now originally sought approval to increase the number of guestrooms to nine, the maximum allowed by the YCZO, and has now agreed with the appellant to have only one additional guestroom, in the silo building. In 2018, the applicant submitted a request to operate a permitted use winery and tasting room on a parcel with at least 15 acres of wine grapes planted, Docket SDR-28-18. The winery and tasting room request was approved by the Planning Commission in December, 2018, and that approval was upheld on appeal to the Board of Commissioners in early 2019.

9. *Deferral*: The Assessor's office records show that the property is receiving farm deferral.

10. *Overlay Districts*: The property is not within any zoning overlay district such as sensitive wildlife habitat, Willamette River Greenway, airport overlay district, or flood hazard zone.

## **B. Conditional Use Provisions and Analysis for the Bed and Breakfast**

1. The conditional use criteria of YCZO Section 1202.02 are as follows:

(A) *The use is listed as a conditional use in the underlying zoning district;*

Regarding criterion (A), the applicant is requesting a conditional use approval for the modification of an existing bed and breakfast home occupation, to increase the number of guestrooms from four up to five guestrooms. The bed and breakfast has been in operation for more than 15 years with the initial request approved pursuant to Docket C-06-03. The four guestrooms currently approved for use are located within the converted and renovated grain silos. The applicant states that all of the guestrooms will be in the existing modified silos. A bed and breakfast is a recognized home occupation therefore the request complies with criterion 1202.02(A) above.

2. (B) *The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;*

Regarding criterion (B), the Yamhill County goals and policies do not provide standards for review of home occupations. While these are not in themselves criteria, they are in part what the criteria was based upon. Applicable goals and policies from the Yamhill County Comprehensive Plan are addressed below.

Section I.E Goal 1 Policy i. states:

*A reasonable expansion of the concept and definition of home occupation will apply to very low density residential and agricultural small and large holding areas where small-scale, family-operated, home-craft industry or repair service has been traditionally carried on, and such uses will be reasonably regulated, subject to limitations on location, scale, performance characteristics, commercial character, and visibility from bounding roads or adjoining property.*

The definition of a home occupation consists of an activity involving the sale of a service carried on in compliance with Section 1004 of the YCZO by a resident of the property on which the business is located. The applicant contends that the expansion of the bed and breakfast business, that has been in operation for 14 years, will promote this Comprehensive Plan policy. The applicant states that the operation of the bed and breakfast from existing buildings has not conflicted with onsite or surrounding farm uses, and that the expansion of the bed and breakfast operations from five to nine guestrooms will not conflict with farm uses on surrounding properties.

A request for a hearing was submitted by Friends of Yamhill County, which contends that the request is inconsistent with the Agricultural Lands (Section II, Subsection A) and the Water Resources (Section II, Subsection C) of the Yamhill County Comprehensive Land Use Plan. The Summary for Section II.A. of the Yamhill County Comprehensive Plan states:

*Agriculture plays an integral role in the overall economy of the county. A significant amount of land within the county has soils which are defined as having high quality agricultural capability. The need to maintain the integrity and viability of the agricultural land base has been clearly recognized by Yamhill County residents. Expansion of urban development into rural areas creates conflicts between farm and urban activities, thereby decreasing the potential for agricultural productivity. In addition to agriculture's important role in the economy of the county, vast expanses of farm land provide county residents with scenic open space which contributes to their overall health and welfare. Irrigation is an important element in the production of some farm crops, and water storage is an effective means of prolonging the irrigation season.*

The Summary for Section II.C. of the Yamhill County Comprehensive Plan states:

*Efficient use of county water resources is a benefit to all citizens, as water is an essential part of the livability of an area.*

The evaluation of a land use request often requires the weighing and balancing of potentially conflicting policy direction found within the Comprehensive Plan. The applicant's request is to increase the number of guestrooms serving an existing bed and breakfast. The request is to offer an additional guestroom, within an existing structure, and will not require changes to the footprint of the existing structures. The applicant's request will not require the conversion of farmland to a non-farm use. Water consumption in Oregon is administered by the Department of Water Resources. As mentioned above, Yamhill County goals and policies do not provide standards or criteria for review of home occupations or other land use requests, however they are in part what review criteria are based upon. Rather, the review of a land use request requires the balancing of those goals and policies of the Comprehensive Plan that may apply to the proposed use. Lacking the submission of a definitive and specific list of Comprehensive Plan policies or goals to weigh the applicant's request against by the applicant, the county evaluated the request under the applicable review criteria found within the Yamhill County Zoning Ordinance which was established using the Comprehensive Plan Goals and Policies as guiding principles.

The review criteria in Section 1004 provide standards which limit the location, scale, performance characteristics, commercial character and visibility as noted above, as addressed in these findings. The use is consistent with the county's Comprehensive Plan.

3. (C) *The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements, and natural features.*

Regarding criterion (C), the applicant has demonstrated that the parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements, and natural features. The parcel is approximately 82 acres in size with two existing homes and several accessory structures including an event center, barns, sheds, and other accessory structures. The parcel is relatively flat and there are no acknowledged natural hazard areas associated with the property. The parcel has direct access to Oak Springs Farm Road, which is graveled, and Abbey Road which is paved, and county maintained. The applicant states that the silos and farm help dwelling are adequately screened and buffered from neighboring parcels. The existing driveways appear adequate for employees and guests to access the bed and breakfast and other farm and commercial activities conducted on the property. A condition of approval requires that the access to the bed and breakfast is inspected and approved by the local rural fire protection district prior to the operation of the bed and breakfast.

The parcel is served by two separate and extensive septic systems designed by an independent consultant that are already servicing the existing guestrooms in the silos and the farm help dwelling. The second septic system currently serves the event center and horse arena for which the applicant has obtained approval to convert to a winery and tasting room. A condition of approval requires that the applicant receive approval from the sanitarian or DEQ designee regarding the adequacy of the existing septic system for the proposed bed and breakfast expansion.

4. (D) *The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district.*

Regarding criterion (D), as described more fully elsewhere in these findings, the adjacent properties are all zoned Exclusive Farm use. The Trappist Abbey of Our Lady of Guadalupe is located on an adjacent parcel to the southeast of the applicant's property and hosts a number of religious activities and farm uses. The remaining parcels in the surrounding area are used for a mix of commercial agricultural uses, including vineyards, wine production, wine tasting rooms, grass seed and hay production, fruit and nut tree orchards, as well as livestock pasturage, and rural residential uses. The approval will allow the addition of one additional guestroom to an existing bed and breakfast that has been operating for over 15 years. The additional guestroom will be located within an existing building onsite and the applicant has indicated that the existing water and wastewater facilities are adequate to serve the proposed additional guestroom. The applicant's proposal will not negatively impact the character of the surrounding area in a manner which substantially limits, impairs, or prevents the use of surrounding properties for permitted uses in the Exclusive Farm use zone.

5. (E) *The proposed use is appropriate, considering the adequacy of the public facilities*

*and services existing or planned for the area affected; and*

Regarding criterion (E), the applicant stated that the proposed expansion of the existing bed and breakfast will not require the expansion of the existing septic system. The applicant has also indicated that the property owner has sufficient water to meet the potential increased water demands for the expansion to the bed and breakfast. As mentioned above, a condition of approval requires that the driveway providing access to the property be inspected by the Carlton Rural Fire Department, prior to expansion of the bed and breakfast. A condition of approval requires that the septic tank and drain field be inspected and approved for use by the county sanitarian.

6. (F) *The use is or can be made compatible with existing uses and other allowable uses in the area.*

Regarding criterion (F), notice of the applicant's proposed home occupation was sent to neighboring property owners for comment. The Planning Department received a single comment regarding the condition of Oak Springs Farm Road, and the neighboring property owner believes that Oak Springs Farm Road should be paved due to the volume of traffic visiting the applicant's property. Staff conducted a site visit on January 11th, to assess the road conditions for Oak Springs Farm Road.

The County received a hearing request following the notification to surrounding property owners of the applicant's request for an expansion to the existing bed and breakfast. The Request for Hearing was submitted by Friends of Yamhill County. One basis for requesting the hearing is that: "Actions associated with this application and related activities on the property are contrary to YC Zoning Ordinances including but not limited to 402, 1004, and 1012." The review criteria that must be addressed regarding the request to expand the existing, approved, four guestroom bed and breakfast to a five guestroom bed and breakfast are 402.04(I), 402.07(A), 1004.01, 1012 and 1202.02 of the YCZO, and are addressed in these findings.

### **C. Home Occupation Review Criteria**

1. The following standards and limitations shall apply to home occupations:

A. *The home occupation will be operated by a resident of the property on which the business is located.*

Regarding criterion (A) above, the applicant states that the bed and breakfast will continue to be operated by the current manager, who currently resides in the lower level of the "ranch house," and will continue to live in the ranch house following this approval.

2. B. *The home occupation will employ on the site no more than five full or part-time employees.*

Regarding criterion (B) above, the applicant states that the bed and breakfast will employ no more than five full or part-time employees.

3. C. *The home occupation will be operated substantially in the dwelling or in other buildings normally associated with uses permitted in the zone in which the property is located.*

Regarding criterion (C), the approval is for one additional guestroom in the existing bed and breakfast silos. The applicant has indicated that no additional development will be required to expand the bed and breakfast operation.

4. D. *The home occupation will not unreasonably interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located.*

Regarding criterion (D), the applicant's requested expansion to the existing bed and breakfast will not require any new construction on the property. The approved use will not unreasonably interfere with existing or permitted uses on neighboring lands. The County did not receive any concerns from neighboring property owners regarding any potential impacts from an expansion of the existing bed and breakfast.

5. E. *No more than one (1) home occupation shall be permitted in conjunction with any dwelling or parcel. Activities which are substantially different in nature shall be considered separate home occupations.*

The request is consistent with criterion (E) because there are no other home occupations on the parcel.

6. F. *A home occupation shall not be used to permit construction of any structure that would not otherwise be allowed in the zone in which the home occupation is established, nor shall a home occupation be used as justification for a zone change.*

Regarding criterion (F), the approval is to add a single guestroom to an existing four guestroom bed and breakfast. No new construction will be required to facilitate this proposed expansion. The applicant is not requesting a change to the zoning designation of the parcel.

7. G. *The total area used for outdoor storage shall not exceed the allowable parcel coverage in the zone in which the home occupation is established.*

Regarding criterion (G), the proposed home occupation is located in the Exclusive Farm use (EF-80) District, which limits parcels of less than one acre to coverage of fifteen (15) percent. The applicant's parcel is larger than one acre in size; therefore this parcel coverage standard is not applicable. The proposed bed and breakfast will occur within an existing building and there is no outdoor storage or work areas associated with the bed and breakfast operation. The request complies with criterion (G).

8. H. *There shall be no visible evidence of the conduct of a home occupation from any road or adjacent property, other than permitted signs. Any outdoor storage or*

*outdoor work areas shall be effectively screened by vegetation or by a sight obscuring fence.*

Regarding criterion (H), the bed and breakfast will be operated substantially indoors, from within the existing converted silos. Existing vegetation and agricultural fields act as a visual buffer from surrounding properties. The applicant has not requested the placement of additional signage on the property, and any future requests for signs must satisfy the Signs ordinance, Section 1006 of the YCZO. The applicant has stated that there will be no outdoor storage or outdoor or work areas. The request is consistent with criterion (H).

9. I. *A home occupation shall not generate noise, vibration, glare, fumes, odor, electrical interference or other disturbance beyond what normally occurs in the applicable zoning district.*

Regarding criterion (I), the approval is for an expansion to the existing four guestroom bed and breakfast to five guestrooms. The additional guestroom will be located within the converted grain silos, which is the location of the original bed and breakfast approval. There are no activities proposed that will generate noise, vibration, glare, fumes, odor, electrical interference or other disturbance beyond what may normally occur in the Exclusive Farm use District. The request is consistent with criterion (I).

10. J. *A home occupation shall not generate traffic or parking beyond what normally occurs in the applicable zoning district.*

Regarding criterion (J), the bed and breakfast has operated for over 14 years without a serious traffic accident. The traffic and parking concerns regarding this property have been successfully addressed and resolved in prior land use actions and approvals, and the addition of a single guestroom to the existing bed and breakfast will not generate traffic and parking beyond what normally occurs in the Exclusive Farm use zone.

11. K. *Off-street parking spaces shall be provided for clients or patrons and shall not be located in any required yard.*

Regarding criterion (K), there is an established parking area with 14 parking spaces available, Exhibit 4. The parking area is sufficiently sized to meet the needs of guests and staff for the bed and breakfast currently and with the expansion. The parking area is not located in a required yard.

12. L. *One (1) on-premise sign shall be permitted in conjunction with a home occupation, subject to the sign provisions set forth in Section 1006.*

Regarding criterion (L), the applicant has not requested the placement of a new on-premise sign, nor has the applicant proposed any modification to the existing signage. Any future requests must satisfy the provisions set forth in Section 1006 of the YCZO.

13. M. *The nature of a proposed home occupation shall be specified at the time of application. Any proposed change in the nature of an approved home occupation shall require a new conditional use permit. Any departure from the uses and activities initially specified shall be considered grounds for revocation of the conditional use permit.*

Regarding criterion (M), this is a regulation that applies to all home occupations. This approval allows one additional guestroom, which is fewer rooms than the applicant originally applied for. The bed and breakfast was originally approved under Docket C-06-03 and C-19-17. For additional guestrooms, under this section, the applicant will need to seek an additional approval.

14. N. *A permit for a home occupation shall be deemed personal to the applicant and shall not run with the land. Upon notification by the county such permit shall expire two (2) years from the date of issuance, at which time the permit may be renewed by the Director upon a finding that the requirements of this ordinance are being met. A fee for renewal of the permit may be imposed by the Director.*

Regarding criterion (N), this is a regulation that applies to all home occupations. This requirement has been restated as a condition of this approval.

15. O. *A condition of approval may be placed on a home occupation requiring a review every 12 months following the date the permit was issued. The home occupation may be renewed if it continues to comply with the requirements of this ordinance and any other conditions of approval.*

Regarding criterion (O), this is a regulation that applies to all home occupations. This requirement has been restated as a condition of this approval.

16. P. *Pursuant to the nonconforming use provisions of Section 1205 of this ordinance, any proposed expansion or change in the nature of a home occupation in operation prior to adoption of this ordinance shall be subject to the requirements of this section and shall require a conditional use permit. In the event of denial of such an application, the home occupation shall be allowed to continue at its original scale and nature as a nonconforming use.*

Regarding criterion (P), this approval is for the expansion of an existing home occupation for the operation of a bed and breakfast, that received land use approval initially in 2003 and again in 2017 for a change in ownership, Docket C-06-03 and C-19-17.

#### **D. Bed and Breakfast Standards**

1. Section 1012.01(A) and (B) of the YCZO contains provisions which apply to bed and breakfast inns, as follows:

A. *The following provisions shall apply to bed and breakfast facilities:*

1. *A bed and breakfast is a single-family dwelling where lodging is offered for compensation, having no more than nine (9) sleeping rooms for this purpose. Bed and breakfast operations that are undertaken from within a residence shall be considered as home occupations, and shall comply with the standards and limitations of Section 1004. A bed and breakfast inn may offer a morning meal for overnight guests only.*

As conditioned, the approval meets this requirement. The applicant acknowledges and will abide by this limitation.

The existing bed and breakfast currently is approved to provide four guestrooms within the modified grain silos. Approval of the use of the grain silos was granted during the initial land use process in 2003, Docket C-06-03. A condition of approval for the operation of the bed and breakfast within the grain silos required that the silos be decommissioned or receive land use approval that recognizes the silos as a secondary dwelling. The applicant indicates that the innkeeper who manages the bed and breakfast lives onsite, within the secondary farm help dwelling identified by the applicant as the “ranch house”. Under this approval, the bed and breakfast manager will continue to live onsite, in the lower level of the “ranch house.”

2. *2. Water from any source other than a municipal or public supply shall be tested initially and annually thereafter, or more frequently as required by the County Health Department, and determined to be safe for public consumption.*

The applicant acknowledges this standard and this requirement is a condition of approval.

3. *3. When the facility has more than two rooms for rent, an on-site examination of the premises shall be made by a county health inspector to review food handling and tourist/traveler health and safety practices.*

The applicant acknowledges this standard and this requirement is a condition of approval.

4. *4. An on-site examination of the premises shall be made by local fire department personnel to advise of appropriate fire and safety code requirements.*

The applicant acknowledges this standard and this requirement has been complied with.

5. *B. Where facilities are approved for three or more guest bedrooms and up to 10 guests, State Administrative Rule and statutory requirements for Bed and Breakfast and Tourist/Traveler facility licensing shall be satisfied.*

The applicant acknowledges this standard and this requirement is a condition of approval.

## **E. Exclusive Farm Use Zone Conditional Use Standards**

Section 402.07(A) requires that prior to establishment of a conditional use; the applicant shall demonstrate compliance with the following criteria:

1. *The use will not force significant change in accepted farming or forest practices on surrounding lands devoted to farm or forest use.*
2. *The use will not significantly increase the cost of accepted farming or forest practices on surrounding lands devoted to farm or forest use.*

The surrounding lands considered under this standard include all lands within the notice area for the application. No significant impacts are predicted within that area, suggesting that impacts beyond that area are unlikely. Farm uses in the area currently include established vineyards, grass seed and hay production, fruit and nut tree orchards, a small hop farm, livestock pasturage, and wine production. Uses that include wine tasting rooms and beer brewing exist in the area, apparently without impacting farm practices or costs. The applicant's parcel will continue to be dedicated primarily to farm use if the application is approved. Impacts are unlikely because the facilities needed (driveway, silos, etc.) for the proposed expansion of the existing bed and breakfast use already exist and are deep within the subject property, separated by hundreds of feet of agricultural land from surrounding lands. The four guestroom bed and breakfast has been in operation for over 14 years and thus far has not led to a change in accepted farm or forest practices on surrounding lands. Likewise, there is no indication from surrounding property owners that the operation of the bed and breakfast has led to an increase in the cost of accepted farm or forest practices. The applicant's proposed expansion of the existing bed and breakfast will be conducted within two existing buildings. There was no evidence or testimony indicating the proposed expansion of the bed and breakfast will force a significant change in farm or forest practices, nor has there been any indication that the request will lead to a significant increase in the cost of farm or forest practices. For these reasons, the applicant's request complies with Section 402.07(A) of the YCZO.

### **CONCLUSIONS FOR APPROVAL**

1. The request is for conditional use approval to allow the expansion of the conditional use bed and breakfast initially approved in 2003, Docket C-06-03, which allowed a four-room bed and breakfast to be constructed within onsite silos. The applicant's (modified) request is to offer up to five guestrooms at the bed and breakfast, all within the 'silo' area of the property.
2. With conditions, the request complies with criteria listed in Sections 402.07(A), 1012, and 1202.02 of the Yamhill County Zoning Ordinance.
3. With conditions, the request complies with the criteria listed in Section 1004 of the Yamhill County Zoning Ordinance.

## CONDITIONS OF APPROVAL

1. The bed and breakfast inn shall have a maximum of five rooms for rent. Food service shall be limited to two meals per day for overnight guests, served at either the bed and breakfast or at the winery, in accordance with ORS 215.452(13).
2. The bed and breakfast may not rent the rooms in the secondary farm help dwelling unless the applicant has received land use approval to modify the existing condition limiting the rental of the farm help dwelling.
3. The bed and breakfast is personal to the applicant and does not run with the land.
4. The use shall employ no more than five full or part time employees.
5. The State Administrative Rule requirements for Bed and Breakfast licensing shall be satisfied prior to expansion of the bed and breakfast operation.
6. Prior to expansion of the operation, the well water shall be tested initially and annually thereafter and determined to be safe for public consumption.
7. Prior to expansion of the operation, an on-site examination of the premises shall be made by the county health inspector to review food handling and tourist/traveler health and safety practices.
8. Prior to expansion of the operation, the applicant shall obtain authorization from the County Sanitarian for the use of the existing septic system, or shall receive approval for a new septic system to serve the use.
9. This approval is valid for two years following the date of final approval, and shall expire at that time unless the expansion has been initiated.
10. When the bed and breakfast is no longer in operation, the modified silos will either be converted back to a non-residential use or the owner shall obtain a land use approval to recognize them as a secondary dwelling.
11. The use is limited to a bed and breakfast. Other commercial uses not accessory to the bed and breakfast or exclusive farm use zone are prohibited without additional land use approval.
12. Modification of any of the above conditions requires approval under Section 1202.05 of the Yamhill County Zoning Ordinance. Violation of any of the above conditions may result in revocation of the conditional use permit with the process detailed in Section 1202.07 and 1202.08 of the Yamhill County Zoning Ordinance.

\*END\*