

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)
Director's Decision to Approve Planning)
Docket C-28-21; Construction of a Nine Guestroom) Board Order 22-280
Bed & Breakfast Facility; Tax Lot 3523-02400;)
Applicant: Kellan Lancaster)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on September 8, 2022, Commissioners Lindsay Berschauer, Casey Kulla, and Mary Starrett being present.

IT APPEARING TO THE BOARD as follows:

A. WHEREAS, The applicants, Kellan Lancaster, applied for a conditional use permit to construct and operate a nine (9) guestroom bed and breakfast facility as a home occupation in a predominantly EF-80 zone; and

B. WHEREAS, The Planning Director issued a decision letter approving the application on May 20, 2022; and

C. WHEREAS, The Planning Director's decision was appealed and considered by the Board at a hearing held on July 14, 2022; and

D. WHEREAS, The record was left open and the hearing continued until August 11, 2022; and

E. WHEREAS, Following deliberation, the Board voted unanimously to uphold the Planning Director's decision, deny the appeal, and approve the application; and now, therefore,

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

Section 1. Planning Docket C-28-21 is hereby approved.

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

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DONE this 8th day of September, 2022, at McMinnville, Oregon.

ATTEST:



YAMHILL COUNTY BOARD OF COMMISSIONERS

KERI HINTON
County Clerk

Chair

Handwritten signature of Lindsay Berschauer in blue ink.

LINDSAY BERSCHAUER

By: Megan Marasco
Deputy Megan Marasco

Commissioner

Handwritten signature of Casey Kulla in blue ink.

CASEY KULLA

FORM APPROVED BY:

Commissioner

Handwritten signature of Mary Starrett in blue ink.

MARY STARRETT

Jodi M. Gollehon
Assistant County Counsel

Exhibit A

Board Order 22- 280
Findings in Support of a Decision
Affirming Planning Commission
Decision Approving
Docket No. C-28-21 and Conditions of Approval

FINDINGS OF FACT:

A. Background Facts and Findings

1. The subject parcel Tax Lot 3523-02400 is approximately 80.49 acres located on NW Redshot Lane. The subject parcel is split-zoned with the majority of the property located in the Exclusive Farm Use District, the EF-80 zone, with approximately 3.2-acres located in the AF-80 zone, the Agricultural/Forestry Large Holding District. The single-family dwelling proposed for use as the bed and breakfast is located in the EF-80 zoned area of the property.
2. The subject parcel has direct access to NW Panther Creek Road by way of a paved driveway and access to NW Red Shot Lane, which passes through the adjacent lot to the west under the same ownership as the subject parcel, Tax Lot 3523-02300.
3. Kellan Lancaster (the "Applicant") and 15660 Ground, LLC (the "Owner") filed an application requesting conditional use approval to operate a nine (9) guestroom bed and breakfast as a home occupation from a single-family dwelling. The single-family dwelling is under construction and was permitted as a replacement dwelling in 2021, Docket RDI-29-21.
4. Approval of the bed and breakfast was previously issued by Yamhill County to the Applicant in C-28-21, dated May 20, 2022.
5. The surrounding properties to the west, south, and northwest are located in the Agriculture/Forestry Large Holding District, with land to the east, southeast, north, and northwest located in the AF-40 zone, land to the west located in the AF-20 zone, and land to the south located in the AF-80 zone. Surrounding properties to the north, east and southeast are located in the Exclusive Farm Use District, with land to the north and east located in the EF-20 zone and land to the southeast located in the EF-80 zone. Land use in the surrounding area runs the gamut of residential, residential with some small farm uses, agricultural uses, and forest uses (predominantly passive).
6. The Applicant conducted an analysis of land uses occurring within a 1/3 mile radius of the subject parcel and found that the majority of the lots in this study area are composed of lots being used residentially with some small hobby farming activities

(livestock grazing, egg collection, small orchards, gardening, etc.), a few larger commercial agricultural uses including grass seed cultivation and cattle grazing. The Applicant found no commercial forestry uses occurring in the study area.

7. As described in the application materials for Docket C-28-21, a resident of the bed and breakfast will act as the innkeeper overseeing day-to-day operation of the bed and breakfast.

B. Procedural Findings

1. On November 1, 2021, the Applicant filed its conditional use application with Yamhill County for a home occupation to allow a nine-bedroom bed and breakfast on the property.
2. On May 20, 2022, the Planning Director issued a decision letter approving the conditional use application.
3. On June 6, 2022, Friends of Yamhill County appealed the Planning Director decision. In its appeal, Friends of Yamhill County raised two objections asserting that Applicant had failed to satisfy review criteria at Section 1004.01(C) and (F) of the Yamhill County Zoning Ordinance (“YCZO”).
4. In a July 13, 2022 letter, the Applicant addressed objections raised by Friends of Yamhill County, pointing to the fact that the proposed single-family dwelling is allowed as a replacement of an existing dwelling on the property; therefore, this is not also a new farm or nonfarm dwelling application. In addition, the application to use a replacement dwelling as a “bed and breakfast inn,” is expressly allowed in the County’s resource zones as a “home occupation” under YCZO 1004.
5. Staff scheduled a public hearing before the Board of County Commissioners on July 14, 2022.
6. Staff issued a staff report on May 20, 2022. The staff report is attached as **Exhibit 1**.
7. The Board of County Commissioners held a duly noticed public hearing on July 14, 2022. The Board accepted testimony from Applicant, Ms. Pam Kindel, and from Friends of Yamhill County. The Board of County Commissioners closed the public hearing and left the written record open to allow any party to submit written evidence and for the Applicant to provide final written argument.
8. During the open record period, additional testimony was received from Ms. Pam Kindel, the Department of Public Works, Friends of Yamhill County and the Applicant.
9. On August 4, 2022, the Applicant provided its final written argument, which

addressed the additional testimony provided by Friends of Yamhill County and Ms. Pam Kindel.

10. Based on the evidence in the record, the Board unanimously affirmed the Planning Director's decision approving the application for a conditional use approval for a home occupation to allow a nine (9) guestroom bed and breakfast at the subject parcel. The Board directed staff and county counsel to prepare findings of fact and conclusions to document the decision, and on September 8, 2022, the Board adopted the presented findings of fact and conclusions of law.

C. Substantive Findings

1. The applicable approval criteria and review standards are set forth in YCZO 402.07, 1004.01, 1012, and 1202.02.
2. The Board adopts and incorporates the May 20, 2022 staff report, attached as **Exhibit A-1**, which identifies the applicable criteria and explains how those criteria are met. In addition, the Board makes the following additional findings:
3. YCZO 1202.02 Conditional Use Criteria

(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 of a home occupation to operate a nine (9) guestroom bed and breakfast within a single-family dwelling. Pursuant to subsection 402.04(I) of the YCZO, a bed and breakfast is a recognized home occupation in the Exclusive Farm Use Zone. The request complies with criterion 1202.02(A).

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

Regarding criterion (B), staff addressed applicable goals and policies in pages 3-4 of the staff report and through proposed conditions of approval and those findings are incorporated here by reference. The Board agrees with the incorporated findings and finds that this criterion is met.

(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 demonstrated that the subject parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements, and natural features. Staff addressed this criterion in pages 4-5 of the staff report and those findings are incorporated here by reference. The Board agrees with the incorporated findings and finds that this criterion is met.

- (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), the Applicant is requesting permission to use a single-family dwelling as a nine (9) guestroom bed and breakfast home occupation. Notice was sent to neighboring property owners and staff received comments and concerns from surrounding property owners. Multiple surrounding property owners submitted concerns regarding the use of the NW Red Shot Lane as the access drive for patrons visiting the bed and breakfast. The Applicant met with some of the surrounding property owners after receiving this feedback during the initial 15-day Administrative Action notification period and subsequently decided to change access for patrons to the use of a driveway that intersects NW Panther Creek Road. A condition of approval will require that the dwelling will be re-addressed from 16020 NW Red Shot Lane to a NW Panther Creek Road situs address in order to better guide guests to the property via the Panther Creek Road driveway access, and that this re-addressing occurs prior to commencement of the bed and breakfast use.

Staff also received comments and concerns from Friends of Yamhill County regarding the operation of the bed and breakfast and whether the bed and breakfast will be operated by a resident of the property. The Applicant originally planned to have a resident of a neighboring parcel under the same ownership of the subject parcel function as the innkeeper. Following the submission of these concerns, the Applicant revised the nature of the application and the design, including building permits, of the single-family dwelling to include a bedroom for occupancy by an innkeeper who will be residing within the single-family dwelling.

The Applicant engaged with residents living on Red Shot Lane early on in this process and, based on the feedback it received, revised the Application such that all guest access will be through a direct driveway to Panther Creek Road and not via Red Shot Lane, preventing any conflicts between guest and resident traffic on that street. There is neither evidence nor argument in the record that disputes this or suggests that this direct access will not be effective at limiting the amount of traffic increase on Red Shot Lane. This change was well received by residents on Red Shot Lane, as exemplified by the testimony submitted by Kim and Dave Nickel.

Although a traffic impact study is not required by the YCZO for this Application, the Applicant voluntarily engaged Kittelson & Assoc. to prepare a transportation impact analysis as well as two supplemental memoranda, which conclude as follows:

- Minimal to no new site-related traffic is anticipated along the existing Red Shot Lane (Red Shot Lane will only be used for occasional service vehicles and for alternative emergency access).
- Each of the roadways serving the proposed use are operating in a manner consistent with the County's Transportation System Plan (TSP) guidelines.
- No deficiencies or projects have been identified by the County for the adjacent roadways.

- The proposed bed and breakfast will generate less daily traffic than other allowable uses within the EF-80 zoning.
- The proposed bed and breakfast will require fewer parking spaces than other allowable uses within the EF-80 zoning.
- That the traffic counts used to develop the traffic analysis correctly reflect the traffic in the impact area, and traffic on Red Shot Lane need not be added to the traffic identified on Panther Creek Road for purposes of trip generation analysis.
- That the correct capacity of Panther Creek Road is 3,500 trips per day, not 400 trips per day, the current daily traffic volume on Panther Creek Road is 394 trips per day, and the project is projected to add a maximum of 72 trips per day. This is well within the available capacity on Panther Creek Road.
- The proposed bed and breakfast is not anticipated to generate a significant number of trips within the Red Shot Lane/Panther Creek Road area that would not otherwise be captured by the traffic counts used by Kittelson.
- The County Department of Public Works staff has reviewed and concurred with Kittelson's traffic analysis.

Additional public comments were received from surrounding property owners, each of which is addressed on pages 6-8 of the staff report. Those findings are incorporated here by reference. The Board agrees with the incorporated findings and finds that this criterion is met with the proposed conditions of approval.

(E) *The proposed use is appropriate, considering the adequacy of the public facilities and services existing or planned for the area affected;*

Regarding criterion (E), staff addressed this criterion in page 7 of the staff report and those findings are incorporated here by reference. The change to a direct access on Panther Creek Road, along with the above findings related to traffic impacts, support both the Applicant's and staff's conclusions that the proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected.

Ms. Pam Kindel initially argued that Red Shot Lane, Panther Creek Road, and Meadowlake Road are not adequate to support the proposed use. Ms. Kindel later clarified in her July 28th submission that she does not dispute the Applicant's proposed access and additional traffic on Panther Creek Road nor Meadowlake Road. The Applicant nonetheless addressed all of Ms. Kindel's arguments, in its August 4, 2022 submission.

Panther Creek Road and Meadow Lake Road. The Board finds that Kittelson & Associates' July 18 and 26 memoranda address Ms. Kindel's concerns about Panther Creek Road and Meadowlake Road. As summarized in those memos and supported in staff's findings and by the County

Department of Public Works, the traffic volume on Panther Creek Road is still thousands of daily trips below the permitted capacity with the additional daily trips anticipated to be created by the project. The Federal Highway Administration provides the method for calculating capacity of rural two-lane roadways. For a two-lane facility such as NW Panther Creek Road, 3,500 vehicles per day is the appropriate capacity assumption. The Applicant's traffic counts demonstrate that Panther Creek Rd has an average of 394 daily trips at present.

Ms. Kindel initially questioned the location of the traffic counts on Panther Creek Road and Meadowlake Road. Kittelson responded with a supplemental memorandum dated July 18, 2022 explaining exactly why these locations were chosen and explaining that "We continue to conclude that these findings remain unchanged and no additional data collection is needed to support the conditional use application." Ultimately, Ms. Kindel retracted her concerns about traffic on Panther Creek Road and Meadowlake Road in her testimony dated July 28, 2022: "I apologize if my comments with regard to the traffic study appear to call into question the appropriateness or suitability of the Panther Creek Road guest access for the proposed bed and breakfast."

NW Red Shot Lane. The Applicant modified its traffic route to address the concerns of residents on Red Shot Lane to ensure that all guests would access the Property directly from Panther Creek Road, which will be enforced with signage directing guests accordingly. This leaves only the property's resident and occasional service and farm vehicles able to use Red Shot Lane to access the proposed bed and breakfast. There is no evidence in the record that this small amount of traffic will have any significant impacts on residents living on Red Shot Lane. To the extent that any of these trips are for farm activities—which are considerable on the subject property—they are not a component of the proposed use and allowed outright as accepted farm practices.

Despite Ms. Kindel's argument that the application does not meet the requirements of YCZO 1202.02.E, the Board credits the testimony provided by the Applicant. Specifically, Kittelson & Associates conducted a thorough traffic analysis study dated February 3, 2022 explaining why Red Shot Lane is adequate for the usual expected vehicle trips caused by the proposed use. In response to public comment, Kittelson submitted two supplemental memoranda that explain how the additional trips generated by project are within the capacity of the surrounding street system. Ms. Kindel argues that any increase in traffic on Red Shot Lane is problematic because of the existing condition of Red Shot Lane and that any increase on this road due to non-guest trips is problematic.

The Board rejects this argument for the following reasons:

First, this argument incorrectly construes YCZO 1202.02.E, which does not require the Applicant to demonstrate that there will be *no* increase in trips from a proposed use. Rather, the Applicant need only demonstrate that "the proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected." The only transportation analysis in the record demonstrates that this standard is met. Ms. Kindel presents no evidence that the very limited potential traffic increase on Red Shot Lane is inappropriate or not normally occurring in this zone.

Second, Ms. Kindel's reservations are based on the rural configuration of Red Shot Lane and on the undefined nature of future traffic. There is no evidence that employee vehicles and

service/delivery vehicles cannot safely ingress/egress Red Shot Lane. Ms. Kindel's photos demonstrate Red Shot Lane is a rather smooth road with various buffers and pull out areas. There is no evidence that use of this road by the bed and breakfast resident and employees (which will be limited to a maximum of 5) demonstrates that the use is inappropriate, especially in light of the other uses commonly established in these zones, as explained in the staff report. It is also worth noting that Ms. Kindel's view about this sort of traffic is not at all universal among residents of Red Shot Lane, as evidenced by the written testimony submitted by Kim and Dave Nickel.

Third, Ms. Kindel's apparent concerns regarding trips circulating within the area around Red Shot Lane, but not proceeding out of the area analyzed by Kittelson, are unfounded, as explained by Kittelson in their July 26 letter:

“As noted in all of our previous submittals, the traffic volumes presented can reasonably be concluded to be well below the capacity of the roadway. We further note that Exhibit 1 below reflects an aerial view of the number of access points within this segment of NW Panther Creek Road. We are unclear how she can conclude that the limited number of access points could generate any traffic of significance between these parcels that would measurably change the traffic volumes presented in the TSP and in our report. We continue to conclude no additional analyses is needed.”

It is also worth noting that, to the extent that these trips are taken by farm vehicles (which is implied by Ms. Kindel's testimony regarding such vehicles and diesel emissions), they are not part of the traffic generated by the proposed use.

Finally, Ms. Kindel's argument that the traffic study cannot be used to analyze potential transportation impacts on Red Shot Lane because Red Shot Lane is not a county road is incorrect. Specifically, Kittelson used the same methodology to collect trip data and analyze trip impacts on Red Shot Lane as the other roadways. The fact that the County's Transportation System Plan does not address this road does not invalidate Kittelson's analysis. To the extent that Ms. Kindel argues that Red Shot Lane is private and therefore cannot be analyzed as a rural non-county road, YCZO 1202.02.E3 would not be applicable to impacts to Red Shot Lane at all. In either case, the Board rejects this argument.

The Board agrees and finds that this criterion is met with conditions of approval.

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

Regarding criterion (F), and as mentioned in the staff report, notice of the Applicant's proposed home occupation was sent to neighboring property owners for comment as well as noticed in a newspaper of general circulation. The County received comments and concerns regarding the proposed development from surrounding property owners, which were addressed on pages 8-9 of the staff report and those findings are incorporated here by reference. For these reasons, the Board agrees and finds that this criterion is met with conditions of approval.

4. YCZO 1004.00 Home Occupation Criteria

- A. *The home occupation will be operated by a resident of the property on which the business is located.*
- B. *The home occupation will employ on the site no more than five full or part-time employees.*
- 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.*
- 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.*
- 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.*
- 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.*
- 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.*
- 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.*
- 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.*
- J. *A home occupation shall not generate traffic or parking beyond what normally occurs in the applicable zoning district.*
- K. *Off-street parking spaces shall be provided for clients or patrons and shall not be located in any required yard.*
- 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.*
- 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*

- 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.*

- 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.*

- 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 the Home Occupation criteria of Section 1004.01, these criteria are addressed in pages 9-15 of the staff report and those findings are incorporated here by reference. The Board acknowledges Friends of Yamhill County's arguments concerning whether the use will occur within a single family dwelling. Specifically, Friends of Yamhill County argued that the structure was designed for transient occupancy, and as such not a dwelling allowed in the EFU zone, and could not meet criteria (C) and (F). The Board found that those arguments under (C) and (F) were not convincing for the reasons presented on the record by staff and the Applicant, and the Board found that applicant satisfies YCZO 1004.00(C) and (F) notwithstanding Friend's arguments to the contrary.

Specifically, the Board finds that Friend's opposition relies on the Board assessing the application using the general definition of "dwelling" rather than the more specific codified definition and designated category for Bed and Breakfast Inn as a Home Occupation. YCZO 402.04(I). The Board recently rejected this same argument on July 7, 2022, in an appeal of the Grange Hill bed and breakfast application (Docket C-0-22). Nothing that Friends of Yamhill County have argued in this case warrants reversal of the County's current position that 9-room bed and breakfasts are permitted conditional home occupations in the County's resource zones.

YCZO's pathway for beds and breakfasts on County resource zones is clear and subject to standards developed specific to this purpose. *See* YCZO Ch. 1012 (Country Inn/Bed and Breakfast Facilities) and 1004 (Home Occupations). Given the specific and well-tailored allowances for "County Inns" and "Bed and Breakfast Facilities" in the YZCO, Friends of Yamhill County's argument that the definition of "dwelling" somehow makes a bed and breakfast impermissible, is incorrect.

Friends of Yamhill County ask the County to read the allowances for "County Inn/Bed and Breakfast Facilities" out of the YZCO. However, under Oregon law, the County's definition of "dwelling" must be read consistent with any more specific provisions in the YCZO. ORS 74.010;

see also State ex rel Juv. Dept. v. M.T., 321 Or 419, 426 (1995) (“When a general statute and a specific statute both purport to control an area of law, this court considers the specific statute to take precedence over an inconsistent general statute related to the same subject.”); ORS 174.020(2) (“When a general and particular provision are inconsistent, the latter is paramount to the former so that a particular intent controls a general intent that is inconsistent with the particular intent.”). A home occupation, including one for a “County Inn/Bed and Breakfast Facility” is a conditional use, which is subject to specific criteria beyond those required to establish a “dwelling” (which in many cases is permitted by right). As the more specific use category, a bed and breakfast must be permissible as an allowable use of a “dwelling” in order to give effect to the entire YZCO, as required by ORS 174.010,1 and to comply with the express mandate of ORS 174.020.

Friends of Yamhill County also argue that ORS 215.448 (allowing home occupations in resource zones) prohibits bed and breakfast uses within County resource zones because it does not specifically identify bed and breakfast uses as allowable home occupations. The Board finds that this argument ignores the fact that ORS 215.448 is a general allowance for any sort of home occupations, and neither allows nor prohibits any particular kind of home occupation.

Friends of Yamhill County’s argument also ignores the fact that Yamhill County’s land use regulations have been acknowledged by the Department of Land Conservation and Development as compliant with the Oregon Statewide Planning Goals and their implementing administrative rules. As shown in the application and staff report, a bed and breakfast is permissible as a home occupation in the EFU zone under the YCZO. Therefore, Friends of Yamhill County’s arguments purporting to call into question the Yamhill County code’s implementation of use allowances in ORS 215.488 is an impermissible “collateral attack” on the acknowledged status of the YZCO. *See, e.g. State ex rel. Butler v. City of Bandon*, 204 Or App 690, 702-03 (2006) (rejecting arguments that a permit approval violates statewide planning goals as a collateral attack on the city’s acknowledged land use regulations). It is also an impermissible facial challenge to elements of the code that Appellant should have challenged when they were adopted in 1998 (Ord. 657).

Finally, the Board finds that Friends of Yamhill County’s arguments regarding various provisions of the Comprehensive Plan do not assert that the application itself violates or is otherwise inconsistent with the Comprehensive Plan. Rather, they assert that the aggregate number of bed and breakfast uses throughout the county somehow violate the County’s Comprehensive Plan and further bed and breakfast allowances “needs meaningful economic and environmental analysis and public debate.” While that may or may not be so, this is a quasi-judicial permit application proceeding and is not an appropriate process in which to engage in broader policymaking. The Board also finds no support in the YZCO or the Comprehensive Plan that the number of bed and breakfast facilities already in the County must be considered when approving a new one.

In summary, the Board rejects Friends of Yamhill County’s arguments regarding the Comprehensive Plan because they assert that the County’s Comprehensive Plan must be read to prohibit bed and breakfast uses in resource zones as a general matter. As such, these comments do not address the particularities of this application and the Board finds that they are not relevant to the approval criteria.

With respect to criterion YCZO 1004.01(J) the Board finds that Kittelson's analyses demonstrates that the use will not generate traffic or parking beyond what normally occurs in EFU and AF districts. The staff report explains this as follows:

"Staff finds that the volume of traffic that could be a consequence of approval of the 9-guestroom bed and breakfast is more akin to the traffic that could theoretically be generated by a winery with a tasting room or a successful farm stand. Both a farm stand and a winery (with 15+ acres of grapes planted onsite) are both uses that normally occur in the Exclusive Farm use zone in the county and in the general vicinity of this bed and breakfast. The traffic consultant found that if the bed and breakfast is approved and the traffic generated by the use are consistent with their assumptions then NW Meadow Lake Road and NW Panther Creek Road will both continue to operate within the county traffic standards as provided by the County Transportation System Plan. Staff finds that the Applicant's worst-case scenario for traffic generated by the bed and breakfast does not represent the generation of traffic or parking at levels beyond what normally occurs in the Exclusive Farm use zone."

Staff report at pg. 13. No one has submitted a transportation analysis which disputes the above finding.

In sum, the Board agrees with the incorporated findings and proposed conditions of approval and finds that the criterion in YCZO 1004.00(A)-(P) are, or can be, met.

5. YCZO 1012.01 Bed and Breakfast Criteria

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.*
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.*
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.*
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.

- 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.*

Regarding the Bed and Breakfast criteria, the staff report found that these criteria would be met through conditions of approval and incorporated the applicable requirements in the staff report's proposed conditions of approval. The Board accordingly finds that these criteria are met.

6. YCZO 402.07(A) Exclusive Farm Use District Conditional Use Standards

Section 402.07(A) of the YCZO 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.*

Regarding criteria (A), these criteria are addressed in page 16 of the staff report and those findings are incorporated here by reference. The Board also credits the testimony of the Applicant, which provided a complete farm impacts analysis prepared by Westlake Consulting. The farm impacts analysis determined that the project will not force a significant change in, or significantly increase the costs of, any accepted farm practices on surrounding lands devoted to farm use. There has been no challenge to the conclusions of this farm impacts analysis. The Board agrees with the incorporated findings and proposed conditions of approval and finds that this criterion is met.

1. DECISION:

The Board affirms the Planning Director's decision, approving the conditional use application. The Board finds that Applicant's proposal complies with the applicable criteria in the YCZO as discussed above and affirms the approval of the conditional use application subject to the following conditions.

2. CONDITIONS:

1. The bed and breakfast inn, located at 16020 NW Red Shot Lane, Carlton, on Tax Lot 3523-02400, may offer a maximum of nine (9) guestrooms for rent.
2. Food service shall be limited to one morning meal for overnight guests.

3. Operation of the bed and breakfast is personal to the property owner, 15660 Ground LLC, and does not run with the land. Any subsequent owner who would like to continue operating the bed and breakfast must receive land use approval for the home occupation.
4. The single-family dwelling located on Tax Lot 3523-02400 shall be re-addressed from 16020 NW Red Shot Lane to the new address of 15250 NW Panther Creek Road prior to operation of the bed and breakfast.
5. Operation of the bed and breakfast shall be managed by a full -time resident of the dwelling located on Tax Lot 3523-02400.
6. Prior to the operation of the bed and breakfast the name(s) and contact number(s) for the resident innkeeper shall be provided to the Planning Director and this contact information shall be updated as needed if the person(s) employed as the innkeeper changes.
7. Prior to operation of the bed and breakfast, the driveway access and water supply shall be inspected and approved by the Carlton Fire Department.
8. The use shall employ no more than five (5) full or part time employees.
9. Prior to operation of the bed and breakfast inn, the landowner shall sign an affidavit acknowledging the following declaratory statement and record it in the deed and mortgage records for Yamhill County:

"The subject property is located in an area designated by Yamhill County for agricultural and forest uses. It is the county policy to protect agricultural and forest operations from conflicting land uses in such designated areas. Accepted agricultural and forest practices in this area may create inconveniences for the owners or occupants of this property. However, Yamhill County does not consider it the agricultural or timber operator's responsibility to modify accepted practices to accommodate the owner or occupants of this property, with the exception of such operator's violation of state law."
10. Prior to operation of the home occupation, the applicant shall obtain an inspection and approval (Authorization Notice) from the County Sanitarian for the septic system.
11. Prior to operation of the home occupation, the applicant shall obtain all necessary building, plumbing, and electrical permits from the Yamhill County Building Department.
12. Prior to operation of the bed and breakfast, the water shall be tested initially and annually for nitrate and arsenic with quarterly bacteria tests thereafter and determined to be safe for public consumption by the Public Health Department. Results of the test shall be submitted to the Yamhill County Planning Department.

13. The use is limited to the operation of a nine (9) guestroom bed and breakfast inn from the existing single-family dwelling. Agri-tourism or other celebratory events on the property require additional land use approval.
14. No outside evidence of the home occupation shall be visible except for a sign not to exceed 24 square feet, which is subject to permit and land use approval pursuant to Section 1006 of the *Yamhill County Zoning Ordinance*.
15. An area to provide a minimum of one (1) parking space per guestroom and one (1) parking space for each employee on maximum working shift shall be maintained. There shall be no parking along the NW Panther Creek Road or NW Red Shot Lane right-of- way.
16. This approval is valid for one year following the date of final approval and shall expire at that time unless the use has been initiated.
17. A review of the bed and breakfast operation shall be required two years following the date of final approval. The operation may be renewed if it continues to comply with the requirements of Section 1004.01 of the *Yamhill County Zoning Ordinance* and the conditions of approval. A fee may be charged for renewal of the permit.
18. 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*.

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DATE: May 20, 2022

DOCKET NO.: C-28-21

REQUEST: A conditional use request to operate nine (9) guestroom Bed and Breakfast facility as a home occupation.

APPLICANT: Kellan Lancaster

OWNER: 15660 Ground, LLC

TAX LOTS: 3523-02400

LOCATION: 15990 NW Red Shot Lane, Carlton

ZONE: The majority of the property lies within the EF-80 zone, the Exclusive Farm Use District. The northernmost corner of the subject parcel, approximately 3.2-acres, is located in the AF-80 zone, the Agriculture/Forestry Large Holding District.

CRITERIA: Sections 402.04(I), 402.07(A), 1004.01, 1012, and 1202.02 of the *Yamhill County Zoning Ordinance*. Comprehensive Plan policies may also be applicable.

COMMENTS: *Carlton Fire Department:* No response to date.
County Sanitarian: Please see two letters received on November 30, 2021, and February 22, 2022.
Water Master: No response to date.
Public Works: "Public works finds no issues with the proposed B&B on Red shot lane [sic]." Received on February 28, 2022.
Public Health: No response to date.
Soil & Water Conservation District (SWCD): Please see two letters received on December 6, 2021, and March 10, 2022.
Friends of Yamhill County, P.O. Box 1083, McMinnville, OR: Please see letters received by the Planning Department on December 15, 2021, on March 02, 2022, and on April 26, 2022.
Rand & Teresa Eason, P.O. Box 116, McMinnville: Please see letter received by the Planning Department on December 13, 2021.
Anonymous: Please see email received by the Planning Department on December 15, 2021.
Karen & Grant Hoyt, 16301 NW Red Shot Lane, Carlton: Please see letter received by the Planning Department on December 13, 2021.
Kim & Dave Nickels, 16205 NW Red Shot Lane, Carlton: Please see letters received by the Planning Department on December 14, 2021, and on February 28, 2022.

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Pam Kindel, 15925 NW Red Shot Lane, Carlton: Please see letters received by the Planning Department on December 15, 2021, and March 07, 2022.

FINDINGS:

A. Background Facts

1. *Parcel Size:* Approximately 81.5-acres.
2. *Access:* The property has direct access to NW Panther Creek Road by way of a paved driveway and access to NW Red Shot Lane which passes through the adjacent lot to the west under the same ownership as the subject parcel, Tax Lot 3523-02300.
3. *On-site Land Use and Zoning:* The subject parcel is split-zoned with the majority of the property located in the Exclusive Farm Use District, the EF-80 zone, with approximately 3.2-acres located in the AF-80 zone, the Agriculture/Forestry Large Holding District. The dwelling proposed for use as the bed and breakfast is located in the EF-80 zoned area of the property. The other lots that make up the Applicant's tract are located in the Exclusive Farm use zone and the Agriculture/Forestry Large Holding zones. The application states that the subject lot is used both residentially and for farming activities. Farming activities on the property appears to consist of hay cultivation. Beaver Creek bisects the property, running roughly north-to-south, and a portion of the subject lot is within the 100-year floodplain for Beaver Creek.
4. *Surrounding Land Use and Zoning:* The surrounding properties to the west, south, and northwest are located in the Agriculture/Forestry Large Holding District, with land to the east, southeast, north, and northwest located in the AF-40 zone, land to the west located in the AF-20 zone, and land to the south located in the AF-80 zone. Surrounding properties to the north, east and southeast are located in the Exclusive Farm Use District, with land to the north and east located in the EF-20 zone and land to the southeast located in the EF-80 zone. Land use in the surrounding area runs the gamut of residential, residential with some small farm uses, agricultural uses, and forest uses (predominantly passive). The Applicant conducted an analysis of land uses occurring within a 1/3 mile radius of the subject parcel and found that the majority of the lots in this study area are composed of lots being used residentially with some small hobby farming activities (livestock grazing, egg collection, small orchards, gardening, etc.), a few larger commercial agricultural uses including grass seed cultivation and cattle grazing. The Applicant found no commercial forestry uses occurring in the study area.
5. *Water:* The Applicant has indicated that water is provided by an on-site well.
6. *Sewage Disposal:* Provided by an existing on-site septic system.
7. *Fire Protection:* Carlton Fire Department.

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8. *Previous Actions:* A floodplain development permit and site design review application submitted by the City of Carlton was approved for the replacement of existing potable water distribution pipelines that may cross the subject property was approved in 2020, Docket FP-01-20/SDR-03-20. A series of lot line adjustments have been approved over the years which has led to the current configuration of the subject parcel, Dockets L-11-92, L-16-20, and L-04-21. A replacement dwelling application was approved in 2021, Docket RDI-29-21.
9. *Deferral:* The Assessor's office records indicate that approximately 75.5-acres of the subject parcel are receiving farm tax deferral.
10. *Overlay Districts:* The property is not located in the Willamette River Greenway nor is the property within an airport overlay district. A central portion of the subject lot is within the 100-year floodplain for Beaver Creek, pursuant to FIRM panel 41071C0175D.
11. *Explanation of the request:* The Applicant has submitted a conditional use permit request to operate a nine (9) guestroom bed and breakfast as a home occupation from a single-family dwelling. A resident of the bed and breakfast will act as the innkeeper overseeing the day-to-day operations.

B. Conditional Use Provisions and Analysis

1. The conditional use criteria of *Yamhill County Zoning Ordinance* (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 approval of a conditional use permit for the operation of a nine (9) guestroom bed and breakfast within the dwelling presently under construction as a home occupation. The dwelling under construction was permitted as a replacement dwelling in 2021, Docket RDI-29-21. The operation of a bed and breakfast is a recognized home occupation and 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 or criteria for review of home occupations. County staff received a comment that the proposed bed and breakfast use does not comply with the county's comprehensive plan because it will lead to the conversion of farmland to non-farm uses to accommodate the short-term lodging of guests. The comment did not call out a specific section, goal, or policy within the Yamhill County Comprehensive Plan (YCCP), however Section II.A.A. or the first Goal Statement in the Agricultural Lands portion of the Land and Water section of the YCCP presents the following aspirational Goal: "*To conserve Yamhill County's farm lands for the production of crops and livestock and to ensure that the*

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conversion of farm land to urban use where necessary and appropriate occurs in an orderly and economical manner.” Neither does the county comprehensive plan nor the county zoning ordinance place any limits on the maximum square footage or the maximum number of bedrooms that can be built within a single-family dwelling. The dwelling that the Applicant is proposing for use as the bed and breakfast is replacing a single-family dwelling that had been present on the subject parcel for a number of years, so the presence of a dwelling on the property will remain unchanged and does not constitute an urban use. The Applicant responded to this concern by stating that the Exclusive Farm use section of the county zoning ordinance specifically allows certain non-farm uses and that the Applicant intends to maintain the farm uses occurring on the property. A dwelling used as a bed and breakfast is recognized as a home occupation which is a use that may be conditionally permitted in the resource zones, including the Exclusive Farm use and Agriculture/Forestry Large Holding zones, so the operation of a nine-guestroom bed and breakfast does not constitute an urban use.

While the goals and policies provided in the county’s comprehensive plan are not in themselves criteria, they are in part what the criteria was based upon. An applicable goal and policy from the *Yamhill County Comprehensive Plan* that directly discusses the concept of a home occupation is provided 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 subject property is located in an area zoned for agricultural large holding use. The Applicant’s request is for the provision of short-term lodging and a breakfast meal from a single-family dwelling. The review criteria in Section 1004 provide standards which limit the location, scale, performance characteristics, commercial character and visibility as noted above, and will be addressed in this report.

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 application needs to demonstrate 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 81.5-acres in size with a single-family dwelling currently under construction which will be used as the bed and breakfast. Aerial imagery of the subject property indicates a history of agricultural (hay

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production) and rural residential uses. The shape of the parcel is an irregular, multi-sided polygon, and the shape of this property does not appear to be an impediment to the operation of a bed and breakfast.

The property is located approximately 4.5-miles west of the City of Carlton. The subject parcel has frontage along three roadways in the county, including NW Meadow Lake Road along the northern property line, NW Panther Creek Road along the southeastern property line, and NW Red Shot Lane along the western property line. The Applicant intends for guests visiting the bed and breakfast to access the property via the existing driveway from NW Panther Creek Road. Initially, the Applicant was planning on using a driveway access from NW Red Shot Lane however there were concerns expressed by surrounding property owners regarding the suitability of Red Shot Lane as an access for use by patrons to the bed and breakfast, so the Applicant amended the planned access point from Red Shot Lane to Panther Creek Road to address the surrounding property owners' concerns. A condition of approval will require that the driveway from Panther Creek Road and Red Shot Lane are inspected and approved by the Carlton Fire Department prior to the operation of the bed and breakfast.

The replacement dwelling under construction is located near the top of one of the small hillocks located on the property, and more specifically is being built into the side of a hill. The topography of the property is not a factor that would be an impediment to the operation of a bed and breakfast from the dwelling. Beaver Creek is a natural feature of note that is located on the property however the new dwelling under construction on the property is not located near the creek. There is a 100-year floodplain area associated with Beaver Creek located in the central portion of the property and extending to the southeast property line of the subject parcel. There are no construction or development activities proposed in this area of the property. The bed and breakfast use, as proposed, does not impact any natural features of note located on the property. There are no natural features located near the dwelling that would be an obstacle to the use of the existing home as a bed and breakfast.

Regarding the existence of improvements that would facilitate the operation of a bed and breakfast. The county sanitarian noted in a statement submitted to the Planning Department on February 22nd, 2022, that a septic installation permit was issued for a system sized to accommodate the proposed bed and breakfast. The sanitarian has asked that a Certificate of Satisfactory Completion be issued prior to residential occupancy and prior to the operation of the bed and breakfast, and this requirement will be placed as a condition of approval that must be met prior to operation of the bed and breakfast.

With conditions, the size, shape, location, topography, and existing improvements are suitable for the proposed use of the dwelling as a bed and breakfast. With the imposition of conditions, the request satisfies criterion 1202.02(C).

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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), the Applicant is requesting permission to use a single-family dwelling as a nine (9) guestroom bed and breakfast. The dwelling that will be used as the bed and breakfast is currently under construction and is replacing a dwelling that used to be located on the property, and there are not outdoor uses proposed on the property in conjunction with the bed and breakfast.

Notice was sent to neighboring property owners and staff received comments and concerns from surrounding property owners regarding the operation of the bed and breakfast. Multiple surrounding property owners submitted concerns regarding the use of the NW Red Shot Lane as the access drive for patrons visiting the bed and breakfast facility. The Applicant met with some of the surrounding property owners after receiving this feedback during the initial 15-day Administrative Action notification period and subsequently decided to change access for patrons to the use of a driveway that intersects NW Panther Creek Road. A condition of approval will require that the dwelling will be re-addressed from 16020 NW Red Shot Lane to a NW Panther Creek Road situs address in order to better guide guests to the property via the Panther Creek Road driveway access, and that this re-addressing occurs prior to commencement of the bed and breakfast use.

Staff also received a concern from surrounding property owners Rand and Teresa Eason, regarding a potential conflict between the operation of the bed and breakfast and their use of the property for farm and forest uses and activities. The Eason's specifically mention the use of a chainsaw to proactively manage the forestland on their property, the smoke from a burn pile, the noise from the use of a tractor for farm or forest activities. These and other farm and forest activities described by the Eason's are protected because they are occurring in zones designated for farm and/or forest uses. A condition of approval will require that the Applicant sign and record in the deed and mortgage records with the County acknowledging that the subject property is located in an area designated by Yamhill County for agricultural and forest uses, and this affidavit is recorded prior to operation of the bed and breakfast. It is the county policy to protect agricultural and forest operations from conflicting land uses in such designated areas. Accepted agricultural and forest practices in this area may create inconveniences for the owners or occupants of the subject property and the guests staying at the proposed bed and breakfast. However, Yamhill County does not consider it the agricultural or timber operator's responsibility to modify accepted practices to accommodate the owner or occupants of the subject property, with the exception of such operator's violation of state law.

An anonymous concern was submitted to the county regarding the construction of the 10-bedroom dwelling in the Exclusive Farm use zone. While there are standards regarding the total built area permitted on smaller parcels in the Exclusive Farm use zone, the height of a dwelling, and the setback distance for a dwelling from a property line, the

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county does not have any standards or limitations regarding the size of a dwelling or the number of bedrooms permitted in a dwelling as long as the dwelling is built in compliance with state building code standards and in conformance with the standards provided by section 402.09 of the YCZO.

One of the surrounding property owners submitted a concern that the 9-guestroom bed and breakfast operation represents a commercial lodging service. It is possible that the operation of a bed and breakfast in this area could alter the character of the surrounding area, however there was no mention as to how this potential change would substantially limit, impair, or prevent the use of surrounding properties for any permitted uses listed in the Exclusive Farm use district. Staff agrees that short-term lodging services provided at the dwelling represents a commercial lodging service, however the provision of 9-guestrooms at the bed and breakfast represents the maximum number of guestrooms that can be provided by a bed and breakfast inn, which is a recognized and permitted home occupation use. The use of the dwelling remains residential, albeit for short durations by guests and not permanent long-term residential use by a property owner or long-term renter. Staff finds that there is no argument for or evidence to support that the 9-guestroom bed and breakfast, as proposed, will substantially limit, impair, or prevent the use of surrounding properties for the permitted uses listed in the underlying zoning district.

Staff also received comments and concerns from surrounding property owners and from Friends of Yamhill County regarding the operation of the bed and breakfast and whether the bed and breakfast will be operated by a resident of the property. This is a requirement for the operation of a home occupation and will be discussed in section C.1. of these findings. The Applicant has originally planned to have a resident of a neighboring parcel under the same ownership of the subject parcel function as the innkeeper. Following the submission of these concerns the Applicant has since revised the nature of the application and the design, including building permits, of the single-family dwelling to include a bedroom for occupancy by an innkeeper who the Applicant asserts will be residing within the single-family dwelling.

The Applicant provided an analysis of the nature of the land uses occurring in the surrounding area and found that there is a mix of rural residential, passive forest use, and a variety of farm uses occurring in the area surrounding the subject property. The Applicant's study area analyzed properties within a 1/3-mile radius extending from the subject parcel. The Applicant found that there is limited commercial farm uses occurring in the area, in the form of grass seed cultivation on Tax Lots 3523-01800 and 3526-00600. The Applicant also identified that smaller scale "hobby" farming activities are common on the properties and that these farming practices appear to be accessory to the residential use of these properties. The Applicant identified the feeding of livestock or poultry, pasturing of livestock, the collection of eggs, small fruit and/or nut orchards, non-commercial composting activities, as well as the planting, fertilizing, and harvesting of garden vegetables as practices that are commonly employed at these smaller farming operations. A more comprehensive analysis of these uses can be found in Section E.1 of this staff report, below. Staff finds that with conditions, the request complies with

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criterion 1202.02(D). This determination is based in part on the Applicant's amended narratives that include changes to the access drive serving the bed and breakfast, the Applicant's traffic impact analysis, the Applicant's farm impact analysis, and a lack of evidence that the request will substantially limit, impair, or prevent the use of surrounding properties for the permitted uses listed in an underlying zoning district.

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), as mentioned in Section B.3. of this staff report, the Applicant will be required to have the septic system inspected by the county sanitarian, prior to operation of the bed and breakfast, to ensure the existing system is sized appropriately for the change in use. A separate condition of approval will also require that the water serving the home be tested prior to operation of the bed and breakfast to ensure it is safe for use by guests visiting the bed and breakfast. A surrounding property owner noted that fire dangers are a concern in the area due to the abundant timberland in the surrounding area. To this end, the Applicant has changed the access point for the bed and breakfast from the NW Red Shot Lane driveway to the NW Panther Creek Road driveway to minimize the amount of traffic to Red Shot Lane. The Applicant's second amendment to the original application, submitted on April 22nd, 2022, notes that NW Red Shot Lane will only be used as an access for employees, occasional service vehicles, and to provide for an alternative emergency access point. As mentioned above, in Findings B.3, the driveway providing access to the property must be inspected and approved for use by the Carlton Fire Department prior to operation of the bed and breakfast. The Applicant must receive any necessary building, plumbing, septic, mechanical permits, and inspections prior to operation of the bed and breakfast facility. With conditions, the request complies with criterion 1202.02(E) above.

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

Regarding criterion (F), staff received a comment from a surrounding property owner that traffic levels have increased in recent years which has led to an increase exhaust fumes that are settling on the property. The neighbor notes that this increase in exhaust fumes negatively impacts the resident of the property and may affect the livestock on the property as well. Because traffic and exhaust fumes in the area have already increased it is necessarily true that these increases predate and cannot be linked to a bed and breakfast that is not yet operational. It is possible that the increase in traffic and exhaust fumes are a consequence of the dwelling under construction on the subject parcel. If approved, the bed and breakfast is likely to cater to guests that arrive at the bed and breakfast using passenger vehicles. Staff finds that the increase in traffic and parking of passenger vehicles on the subject property is compatible with existing and allowable uses in the surrounding area, which is comprised of properties located in the Exclusive Farm use and Agriculture/Forestry Large Holding zones. Both of these zones list farm and/or forest uses as permitted outright and these uses typically include the operation of heavy farm and forest vehicles and equipment which often occurs in close proximity to livestock and

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residences. With conditions, the proposed use appears to be compatible with the character and land use patterns of the surrounding area and complies with criterion 1202.02(F).

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's initial narrative requested that the bed and breakfast inn be operated by a resident of the property but in a dwelling located on an adjacent parcel which is also under the same ownership. During the initial Notice of Pending Administrative action comment period, staff received comments and concerns from Friends of Yamhill County and surrounding property owners that the bed and breakfast will not be operated by a resident of the property. The Applicant responded to these concerns by submitting amendments to the application, on February 14th and April 22nd, 2022, and altering the building plans for the single-family dwelling under construction on the subject parcel. The revised building plans for the dwelling now include a bedroom suite for an onsite resident employee who will work as the innkeeper, and the Applicant's written justification has been amended to specify that the bed and breakfast inn's caretaker will reside in the dwelling to be used as the bed and breakfast inn. A condition of approval will require that the bed and breakfast inn be managed by an innkeeper who resides full-time at the dwelling being operated as a bed and breakfast inn. A condition of approval will require the Applicant to provide the name and contact information for the person(s) living in the dwelling and acting as the innkeeper to the Planning Director, and further that the Applicant shall provide revised contact information if a new innkeeper is hired to operate the bed and breakfast inn. Staff finds that, with conditions, the request complies with criterion 1004.01(A).

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's narrative states that the home occupation will employ no more than five staff onsite at any one time, and a condition of approval will require that the bed and breakfast employ no more than five (5) full or part-time employees onsite. With the imposition of this condition, the request complies with criterion 1004.01(B).

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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 application states the proposed bed and breakfast facility will be substantially operated within the single-family dwelling on the subject parcel. A single-family residence is a building normally found in the Exclusive Farm use (EF-80) zone. Staff received a concern from a surrounding property owner regarding the design of the single-family dwelling, stating that the structure is designed as a commercial structure and not as a single-family dwelling. The building permits issued by the Planning Department for the replacement dwelling which is to be used as the bed and breakfast were issued for the construction of a single-family dwelling. There are no county ordinances that regulate the design or aesthetics of a single-family dwelling, so a property owner has the freedom to design a single-family dwelling as they like so long as the dwelling is not designed for multi-family occupancy (e.g., duplex, condominium, townhouse, etc.). Staff finds that the structure under construction was issued building permits as a single-family dwelling. The Applicant's request complies with criterion 1004.01(C).

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), notice of the Applicant's proposed home occupation was sent to neighboring property owners for comment and the Planning Department did receive comments regarding the incompatibility of a bed and breakfast with residential uses and livestock pasturage occurring in the surrounding area. A more comprehensive evaluation of the compatibility of the proposed use in relation to the uses in the surrounding area can be found in Section E.1. of the Findings presented in this staff report. Based in part on the findings in Section E.1., staff finds with the imposition of appropriate and proportionate conditions the proposed use will not unreasonably interfere with existing uses on nearby land or with other uses permitted in the Exclusive Farm use zone. The request satisfies criterion 1004.01(D) above.

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 1004.01(E) because there are no other home occupations occurring on the subject parcel.

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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 Applicant is currently building a replacement dwelling that will be used to host the bed and breakfast use proposed by the Applicant. The replacement dwelling was approved in 2021 and a single-family dwelling represents a structure which would normally be allowed in the Exclusive Farm use zone. The Applicant is not requesting a zone change in order to facilitate the proposed home occupation. The Applicant's request is consistent with criterion 1004.01(F).

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) zone, which limits parcels to a maximum built coverage of fifteen (15) percent for parcels less than one (1) acre in size. The subject parcel measures approximately 81.5-acres in size so this standard is not applicable in this case. The request complies with criterion 1004.01(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 shall be operated substantially from within a single-family dwelling on the subject parcel. There will be no outdoor storage or work areas associated with the proposed bed and breakfast operation. The Applicant has not indicated that the placement of signage on the property will be requested in the future. Any such request for a sign must satisfy the Signs ordinance, Section 1006 of the YCZO. With conditions, the request is consistent with criterion 1004.01(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 Applicant is requesting the operation of a nine (9) guestroom bed and breakfast from a single-family dwelling that is currently under construction. 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 EF-80 zone. The request is consistent with criterion 1004.01(I).

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

Regarding criterion (J), staff received comments from a surrounding property owner who expressed concerns regarding the volume of traffic that may be generated from the 9-guestroom bed and breakfast. The neighboring property owner is also worried that events will be held in conjunction with the proposed bed and breakfast use. Events cannot be permitted as a home occupation and cannot be held in conjunction with a bed and breakfast use; this limitation will be clearly outlined and established as a condition of approval. This property is located in a zone where agri-tourism events may be applied for so long as those events are incidental, subordinate to, and in support of the onsite farming uses occurring on the property. Surrounding property owners would receive notice of an agri-tourism request if the property owner wishes to host such events in the future. One of the components of an agri-tourism event application requires an Applicant to submit a traffic and parking management plan.

The Applicant retained the services of a traffic engineer in order to analyze the projected traffic that will be generated by the bed and breakfast, and what potential impacts to the roads may result if the bed and breakfast inn is approved. More specifically, the Applicant's consultant evaluated three roadways: NW Meadow Lake Road, NW Panther Creek Road, and NW Red Shot Lane. NW Meadow Lake Road is classified as a major collector road by the County's Transportation System Plan (TSP) and this classification has a desired daily traffic volume of less than 2,000 vehicles per day, NW Panther Creek Road is classified as a local road which has a desired daily traffic volume of less than 400 vehicles per day, and NW Red Shot Lane is classified as a non-County road and there are no standards provided in the TSP for non-County roads. The traffic consultant collected traffic data for all three roads for three days, in January of 2022, and found that the two county roads had traffic volumes that were consistent with the TSP design standards, with NW Meadow Lake Road having a traffic count of 312 vehicles and NW Panther Creek Road having a traffic count of 394 vehicles. The consultant then estimated the amount of daily vehicle trips that may be generated if the bed and breakfast inn is approved. These estimates are derived from the *Trip Generation Manual* and the *Parking Generation Manual*, both of which are published by the Institute of Transportation Engineers. The consultant's estimates are made using the calculations for a "hotel" because the *Trip Generation Manual* does not have data for bed and breakfast inns, and this manual defines a "hotel" as "a place of lodging that provides sleeping accommodations and support facilities such as a full-service restaurant, cocktail lounge, banquet room and convention facilities", so the manual's definition of a hotel appears to be addressing urban-scale services, amenities, and traffic patterns and this is because the sleeping accommodations are the only activity provided by this definition that are permitted in conjunction with a bed and breakfast in the county. Staff finds that the traffic assumptions based on this definition represent the worst-case scenario for a bed and breakfast inn that operates in the county. The traffic generated by a hotel use is approximately 8-trips per day per guestroom which would equate to potentially 72-trips per day for the bed and breakfast. The traffic consultant then compared the traffic generated by the bed and breakfast to the parking and traffic requirements for a school

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that could theoretically be sited in the Exclusive Farm use zone, although this theoretical school would need to be located at least 3-miles from the Urban Growth Boundary of a city and located on a property predominantly composed of non-high value farmland. Unsurprisingly, the consultant found that the bed and breakfast traffic and parking requirements are less than a school in the Exclusive Farm use zone. Staff is unconvinced that a school is a use that normally occurs in the Exclusive Farm use as most of the schools in the unincorporated areas of the county are found within the Public Assembly and Institutional (PAI) zone and not the Exclusive Farm use or Agriculture/Forestry Large Holding zones, so the traffic generated by a school does not represent a normally occurring use in either zone. Staff finds that the volume of traffic that could be a consequence of approval of the 9-guestroom bed and breakfast is more akin to the traffic that could theoretically be generated by a winery with a tasting room or a successful farm stand. Both a farm stand and a winery (with 15+ acres of grapes planted onsite) are both uses that normally occur in the Exclusive Farm use zone in the county and in the general vicinity of this bed and breakfast. The traffic consultant found that if the bed and breakfast is approved and the traffic generated by the use are consistent with their assumptions then NW Meadow Lake Road and NW Panther Creek Road will both continue to operate within the county traffic standards as provided by the County Transportation System Plan. Staff finds that the Applicant's worst-case scenario for traffic generated by the bed and breakfast does not represent the generation of traffic or parking at levels beyond what normally occurs in the Exclusive Farm use zone.

The Applicant states that a parking area for guests and employees will be maintained, and aerial imagery of the property indicates that there is a sizable parking area adjacent to the dwelling. The county's off-street parking ordinance, Section 1007.02 of the YCZO, establishes parking requirements for various uses permitted in the county, and bed and breakfast inns have a parking requirement of one space per unit and one space for each employee on maximum working shift. The current footprint of the parking area, based on aerial imagery measurements, appears to be approximately 23,000 ft² in size. The parking width requirements are guided by ORS 447 which requires that accessible parking stalls measure at least 9-feet in width so the large parking area adjacent to the dwelling will be adequately sized to accommodate at least fourteen parking stalls. These fourteen parking stalls account for the maximum of nine rental units plus the five stalls for the maximum number of staff working at the bed and breakfast. A condition of approval will require that the Applicant maintain sufficient off-street parking for guests and a maximum of five employees. Parking for guests and employees may not occur on a neighbor's parcel or in the right-of-way of NW Red Shot Lane or NW Panther Creek Road. With conditions, the request is consistent with criterion 1004.01(J).

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), as addressed in Findings C.10. above, with the condition of approval to maintain off-street parking sufficient to meet the needs of guests and potential future employees, the request complies with criterion (K).

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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 an on-premise sign with this application, however the Applicant has acknowledged and agreed to abide by the county sign standards and requirements. Any future request for a sign must satisfy the provisions set forth in Section 1006 of the YCZO. The request complies with criterion 1004.01(L).

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. The Applicant is requesting the use of a single-family dwelling currently under construction on Tax Lot 3523-02400, as a nine (9) guestroom bed and breakfast facility. Any change in use will require the submission of a new conditional use application. The Applicant may not host events such as weddings or corporate retreats without receiving additional land use approval. With conditions, the request complies with criterion 1004.01(M).

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. The Applicant's narrative acknowledges this requirement and has no objection to the bed and breakfast operation being limited to the property owner, 15660 Ground LLC. This requirement will be included as a condition on any approval, and with the imposition of this condition the request complies with criterion 1004.01(N).

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 will be included as a condition on any approval.

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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 request is for a new home occupation, not the continuation or modification of a nonconforming use. The request complies with criterion (P).

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.*
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.*
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.*
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.*

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 applicable requirements of the above section will be made conditions of approval. The Applicant is requesting permission to operate a nine (9) guestroom bed and breakfast, therefore the State Administrative Rules and statutory licensing requirements for a Bed and Breakfast or Tourist/Traveler lodging facility are required prior to operation of the bed and breakfast facility.

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E. Exclusive Farm Use District Conditional Use Standards

1. Section 402.07(A) of the YCZO 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 Applicant conducted an analysis of the surrounding farm uses and this study area encompasses an area that is 1/3 of a mile radius from the subject parcel. The Applicant applied the definition for farming found in Section 402.10(C) of the county zoning ordinance which the Applicant distilled down to the use of the land for "...the primary purpose of profit in money...".

The Applicant's study area encompasses 21 tax lots and the intersections of NW Meadow Lake Road and NW Panther Creek Road as well as the intersection of NW Panther Creek Road and NW Red Shot Lane. The Applicant did not find any for-profit forest uses occurring in the study area. The Applicant's found that rural residential uses are the most common uses in the study area with some small-scale gardening and farming activities that are accessory to the residential uses occurring on these properties. The Applicant did identify several lots with for-profit farm uses evident, in the form of grass seed production and cattle grazing. The Applicant identified typical practices associated with small-scale personal "hobby" farming occurring in the study area and these include: feeding livestock or poultry, pasturing of livestock, the collection of eggs, small fruit and/or nut orchards, non-commercial composting activities, as well as the planting, fertilizing, and harvesting of garden vegetables. The Applicant found that two of the larger lots in the study area (Tax Lots 3523-01800 and 3526-0600) are being used for commercial-scale grass seed production. Tax Lot 3523-01800 is located south of the junction of NW Meadow Lake Road and NW Panther Creek Road, adjacent to the Applicant's property. Tax Lot 3526-0600 is located to the west of Tax Lot 3523-01800 and south of NW Panther Creek Road but is not contiguous to the subject parcel. Farm practices commonly associated with grass seed production include planting, irrigation, fertilization, flail mowing, disking, harvesting, moving machinery from one field to another, and the transporting of grass seed to market. The Applicant found that many of these activities employ the use of heavy machinery including tractors, harvesters, and trucks. These farming activities are seasonal with periods of intensive activity followed by periods of comparatively limited farm activities. The Applicant's analysis found that seven of the lots in the study area also exhibited evidence of livestock (cattle and pigs) and poultry (chickens) production and grazing with attendant activities that include feeding, pasturing, grazing, gathering eggs, husbandry, and herding. These farm practices may also include the use of machinery and/or trucks to transport livestock to market.

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Staff received concerns about the potential for negative impacts to some of the farm uses occurring in the area due to increased traffic on NW Meadow Lake Road and NW Panther Creek Road, and/or from increased fumes from vehicles driving to and parking at the bed and breakfast. The Applicant asserts that the traffic from patrons visiting the bed and breakfast will be lower than the traffic that could be generated by other allowable uses in the Exclusive Farm use zone, and that this determination was made following the traffic impact analysis conducted by the Applicant's traffic consultants. The Applicant has agreed to alter the access point to the property from the NW Red Shot Lane access to the more accessible NW Panther Creek Road driveway. Staff did not receive statements from surrounding property owners that asserted how the bed and breakfast use would force significant change in accepted farming or forest practices on surrounding lands devoted to farm or forest use and/or significantly increase the cost of accepted farming or forest practices on surrounding lands devoted to farm or forest use. The Applicant asserts that the limited traffic volume and the limited amount of time that patrons' vehicles will be idling on the property are not reasonably expected to hinder any of the existing practices of grass seed cultivation, or the management of livestock and poultry that are being employed in the study area. The Planning Department has approved many bed and breakfast inns in the county and have not received complaints from surrounding farmers regarding impacts to farm and/or forest operations due to traffic or idling vehicles from guests visiting the bed and breakfast inn.

With the implementation of relevant and proportional conditions of approval, staff believes that the operation of a bed and breakfast in the area will not force significant change or significantly increase the cost of farm or forest uses. This finding is based on the Applicant's traffic impact analysis and farm impact analysis findings, in conjunction with the lack of evidence submitted by surrounding property owners regarding significant negative impacts from the bed and breakfast that would lead to a significant change or increased cost in the farm practices occurring in the area, in addition to the county's history of approved bed and breakfast facilities operating in the farm, forest, and mixed farm/forest zones without conflicting with or significantly increasing the cost of surrounding farm or forest practices. With conditions, the proposed home occupation satisfies Section 402.07(A) of the YCZO.

CONCLUSIONS FOR APPROVAL:

1. The Applicant has requested a conditional use permit to allow the operation of a nine (9) guestroom bed and breakfast from a single-family dwelling on Tax Lot 3523-02400.
2. With conditions, the request complies with the conditional use criteria listed in Section 1202.02 of the *Yamhill County Zoning Ordinance*.
3. With conditions, the request complies with the home occupation criteria listed in Section 1004 of the *Yamhill County Zoning Ordinance*.
4. With conditions, the request complies with the bed and breakfast requirements listed in Section 1012 of the *Yamhill County Zoning Ordinance*.

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DECISION:

Based upon the above findings and conclusions, the request by Kellan Lancaster acting as the owner's (15660 Ground LLC) representative for a conditional use approval to operate a nine (9) guestroom bed and breakfast inn on Tax Lot 3523-02400 is approved with the following conditions:

1. The bed and breakfast inn, located at 16020 NW Red Shot Lane, Carlton, on Tax Lot 3523-02400, may offer a maximum of nine (9) guestrooms for rent.
2. Food service shall be limited to one morning meal for overnight guests.
3. Operation of the bed and breakfast is personal to the property owner, 15660 Ground LLC, and does not run with the land. Any subsequent owner who would like to continue operating the bed and breakfast must receive land use approval for the home occupation.
4. The single-family dwelling located on Tax Lot 3523-02400 shall be re-addressed from 16020 NW Red Shot Lane to the new address of 15250 NW Panther Creek Road prior to operation of the bed and breakfast.
5. Operation of the bed and breakfast shall be managed by a full-time resident of the dwelling located on Tax Lot 3523-02400.
6. Prior to the operation of the bed and breakfast the name(s) and contact number(s) for the resident innkeeper shall be provided to the Planning Director and this contact information shall be updated as needed if the person(s) employed as the innkeeper changes.
7. Prior to operation of the bed and breakfast, the driveway access and water supply shall be inspected and approved by the Carlton Fire Department.
8. The use shall employ no more than five (5) full or part time employees.
9. Prior to operation of the bed and breakfast inn, the landowner shall sign an affidavit acknowledging the following declaratory statement and record it in the deed and mortgage records for Yamhill County:

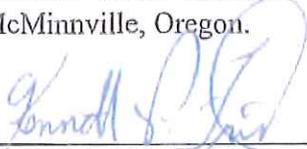
"The subject property is located in an area designated by Yamhill County for agricultural and forest uses. It is the county policy to protect agricultural and forest operations from conflicting land uses in such designated areas. Accepted agricultural and forest practices in this area may create inconveniences for the owners or occupants of this property. However, Yamhill County does not consider it the agricultural or timber operator's responsibility to modify accepted practices to accommodate the owner or occupants of this property, with the exception of such operator's violation of state law."

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10. Prior to operation of the home occupation, the applicant shall obtain an inspection and approval (Authorization Notice) from the County Sanitarian for the septic system.
11. Prior to operation of the home occupation, the applicant shall obtain all necessary building, plumbing, and electrical permits from the Yamhill County Building Department.
12. Prior to operation of the bed and breakfast, the water shall be tested initially and annually for nitrate and arsenic with quarterly bacteria tests thereafter and determined to be safe for public consumption by the Public Health Department. Results of the test shall be submitted to the Yamhill County Planning Department.
13. The use is limited to the operation of a nine (9) guestroom bed and breakfast inn from the existing single-family dwelling. Agri-tourism or other celebratory events on the property require additional land use approval.
14. No outside evidence of the home occupation shall be visible except for a sign not to exceed 24 square feet, which is subject to permit and land use approval pursuant to Section 1006 of the *Yamhill County Zoning Ordinance*.
15. An area to provide a minimum of one (1) parking space per guestroom and one (1) parking space for each employee on maximum working shift shall be maintained. There shall be no parking along the NW Panther Creek Road or NW Red Shot Lane right-of-way.
16. This approval is valid for one year following the date of final approval and shall expire at that time unless the use has been initiated.
17. A review of the bed and breakfast operation shall be required two years following the date of final approval. The operation may be renewed if it continues to comply with the requirements of Section 1004.01 of the *Yamhill County Zoning Ordinance* and the conditions of approval. A fee may be charged for renewal of the permit.
18. 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*.

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DATED AND SIGNED this 20th day of May, 2022, at
McMinnville, Oregon.



Kenneth P. Friday, Planning Director
Yamhill County Planning and Development

KF:lw